

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permits and Variances
BZZ-4157

Date: September 8, 2008

Applicant: McLucy, LLC

Address of Property: 4555 Grand Ave S

Project Name: Kings Wine Bar

Contact Person and Phone: Molly Barnes Hanson (612) 839-0931

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: August 15, 2008

End of 60 Day Decision Period: October 14, 2008

Ward: 11 **Neighborhood Organization:** Kingfield (adjacent to Tangletown)

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 31

Legal Description: Not applicable for this application.

Proposed Use: Sit-down restaurant and two contractor's offices

Concurrent Review:

Conditional Use Permits: To allow two contractor's office uses in the C1 District

Variance: To reduce the required number of off-street parking stalls.

Variance: To reduce the drive aisle width from 22 feet to 12.08 feet.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525 Article XI, Variances

Background: The site contains two existing buildings with three tenant spaces. The large building at the corner of Grand Ave S and 46th Street W contains Marsden Building and Remodeling, a contractor's office with two employees, in the east side of the building. A sit-down restaurant is proposed for the west side of the building, at the corner. The small building on the east side of the property also contains a contractor's office. Specifically, this building is occupied by Details Residential Cleaning Services, a contractor's office consisting of three employees and two vehicles. Each of the contractor's offices was established on the site without the required Conditional Use Permits.

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As part of the application, the applicant is proposing to remove the curb cut along 46th Street West, install a deck and sidewalk dining area, reconfigure the existing parking area and install landscaping. Due to the required land use application for a conditional use permit and variances, the site plan is also subject to design and maintenance standards as provided in Chapter 530, Site Plan Review, and Chapter 541, Off-Street Parking and Loading. In addition, Preliminary Development Review (PDR) by Public Works, Police and Fire is required. The report from PDR is attached.

If the requested variance applications are approved, the restaurant use is subject to specific development standards. The specific development standards for sit-down restaurants are as follows:

- (1) Where alcoholic beverages are served, not less than 60 percent of total sales revenue shall be from the sale of food and beverages not containing alcohol, and the use shall comply with the requirements of Title 14, Liquor and Beer, of the Minneapolis Code of Ordinances and Chapter 4 of the Minneapolis City Charter.
- (2) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within 100 feet shall be inspected regularly for purposes of removing any litter found thereon.

The site is in the Kingfield neighborhood and adjacent to the Tangletown neighborhood. No correspondence has been received from either neighborhood group as of the writing of this report. Staff will forward any comments, if received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT (to allow two contractor's office uses in a C1 District)

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The site is located at an intersection with commercial uses on three of the four corners. The establishment of two contractor's office uses should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The site is adjacent to commercial uses to the west and south. Residential uses are located north and east of the site. However, the property has been used for commercial purposes since at least 1922. The contractor's office in the larger building will house Mardsen Building and

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Remodeling, a company consisting of two owners/employees. In a narrative submitted by the applicant, it is stated that anticipated traffic from this use would consist of two trips to and from the site each day. The second contractor's office, located on the east side of the site, will house Details Residential Cleaning. This use consists of a small cleaning company with three employees and two company cars. Neither use is open to the public, thus limiting the possibility of additional traffic to the site. The proposed uses should have little effect on surrounding properties.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Utilities and access roads are existing and adequate. The applicant is proposing to remove the curb cut along 46th Avenue West, resulting in access from the alley.

4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.

Turning movements into and out of the site are expected to be limited, due to the fact that only two on-site parking stalls are proposed. Transit access, bicycle parking, and pedestrian access are expected to further limit the amount of traffic congestion. The removal of the curb cut along 46th Street will provide a greater setback from the intersection of Grand Avenue S and 46th Street, further reducing any circulation conflicts. Removal of this curb cut also provides additional space for on-street parking, provided it does not conflict with the adjacent transit stop.

5. Is consistent with the applicable policies of the comprehensive plan.

The proposal is consistent with the general policies of The Minneapolis Plan. No specific policies pertain to the subject site.

6. The conditional use, does in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The establishment of two contractor's offices will conform to the applicable regulations of the district in which they are located upon the approval of the requested variances.

VARIANCE (to reduce the required parking from 34 spaces to 4 spaces, where 4 of the spaces are grandfathered)

Findings Required by the Minneapolis Zoning Code:

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

The owner of the building is requesting a parking variance for all three uses on site. The parking requirement for restaurant uses is the equivalent of 30 percent of the capacity of persons. The floor plan shows 1,246 square feet of dining space, requiring 25 parking stalls. Each contractor's office use is

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required to provide 4 parking stalls. The cleaning service contractor's office is required to provide two additional parking stalls to accommodate their commercial vehicles. The applicant has provided bicycle parking, reducing the required parking by one space. Therefore, the site is required to provide 34 parking spaces. The site has grandfather rights to four parking stalls. The applicant is proposing to provide two of the required parking stalls, plus nine bicycle parking spaces, resulting in a required variance for 30 parking stalls. However, the applicant has not proposed any ADA accessible parking stalls.

The requirement for the site is one ADA accessible stall. If no parking is provided on site, this requirement may be waived. Providing an ADA stall would require that the two proposed parking stalls are combined into one ADA van accessible stall. Staff does not anticipate that an ADA stall would be used on a regular basis on the property, and therefore recommends that the applicant remove all proposed parking and utilize the proposed parking area as additional green space or as a loading space only. Given the nature of the contractor's offices, providing space to allow for loading and unloading of vehicles would likely be more effective at minimizing parking congestion than providing an accessible parking space that is far from the principal entrance of the proposed restaurant. This modification would result in a variance from 34 required stalls to four stalls, all of which are grandfathered. No physical vehicle parking stalls would be located on site.

There is no room for the additional parking on the site. The applicant has opted to make site improvements by landscaping an area that was previously used for parking, although the parking stalls did not meet the minimum standards of the zoning ordinance and encroached into the right-of-way. The site is located near bus lines making transit very accessible, and a transit stop is located on the south side of the site along 46th Street. It will not be possible to utilize both buildings on the site for commercial uses without a parking variance of some degree, resulting in a hardship. Requiring that this use provide the full parking requirement in an area with public transit available and pedestrian traffic 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 site is not large enough to provide adequate parking for the existing commercial structures, and there is no room for additional parking on the site. The commercial building at the corner has existed on the site since 1922, with the current parking scenario in existence since approximately 1949. This site is located near a transit stop, resulting in transit oriented traffic to the site. The neighborhood is generally easily accessible for pedestrians and bike racks have been provided, mitigating the impact of the requested variance.

- 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 parking requirement is to provide adequate parking spaces to meet the parking demands of a use. The site is adjacent to a transit stop, bicycle parking is provided, and on-street

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parking is available along Grand Avenue S and 46th Street W. Pedestrian traffic to the site is also expected. Granting a variance that recognizes these elements is within the spirit of the ordinance.

- 4. The proposed variance may 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 proposed variance should not increase the danger of fire or endanger public safety. Neither contractor's office is expected to generate traffic. Traffic is expected for the restaurant use; however, a transit stop is located in front of the proposed restaurant along 46th Street and customers from the surrounding neighborhood are anticipated. The applicant is also proposing nine bicycle parking spaces to mitigate any impact from the lack of off-street parking, and on-street parking is available. While vehicles are expected to frequent the site, the proposed variance should not cause congestion in the street as business to the site is also expected to be both pedestrian and transit oriented.

A variance was approved in 2005 for a restaurant use across 46th Street, at 313 46th Street West. While this variance translates into additional on-street parking, staff does not anticipate an adverse impact on the surrounding neighborhood as a result of the requested variance at 4555 Grand Ave S.

VARIANCE (to reduce the minimum drive aisle width from 22 feet to 12.08 feet for 2 parking spaces)

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.**

The zoning code requires a 22-foot drive aisle for two-way traffic. The applicant proposes to locate 2 of the required parking spaces on the east side of the site, adjacent to the alley. A 12-foot drive aisle would provide access from the alley to the parking stalls. Two-way traffic is not expected in the parking area. As stated above, staff is recommending that the applicant remove both of the proposed parking stalls, therefore making the drive aisle variance irrelevant. However, all findings for the drive aisle variance are addressed herein; as this application has been requested.

A situation where the parking stalls meet the minimum dimensional requirements and minimum drive aisle width would not be possible on the site. The current parking situation does not meet the minimum drive aisle width, and the applicant is proposing to reconfigure the parking layout and make improvements to the site. Limited parking stall availability should limit conflicts in the parking area and the proposed drive aisle width appears reasonable for the site.

- 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 buildings on site are existing, resulting in limited space available for surface parking and drive aisles. The applicant is proposing to alter the existing, non-conforming parking configuration to make

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improvements to the parking area and circulation pattern. Adequate space is not available on site to provide a drive aisle that meets the minimum width requirement.

- 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.**

A 22-foot drive aisle is required to allow sufficient maneuvering area for vehicles and minimize traffic conflicts. In the event that physical parking is provided on site, the proposed drive aisle would only serve one ADA accessible stall and two-way traffic is not expected. The limited parking availability should limit circulation and access conflicts. The granting of the variance should have little impact on the surrounding area or other tenants.

- 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 12-foot drive aisle would potentially serve one parking stall. Vehicles accessing this parking stall may need to utilize the alley for maneuvering. Under the current parking scenario, traffic to the site utilizes the alley as well. The proposed maneuvering is not expected to affect street traffic or public safety, due to the existing conditions and limited number of parking stalls.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for the site plan review:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permits for two contractors office uses in the C1 District, located at 4555 Grand Ave S, subject to the following conditions:

1. The conditional use permits shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permits shall expire if it is not recorded within one year of approval.
2. The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.

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

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required number of off-street parking stalls from 34 to 4 for property located at 4555 Grand Ave S, subject to the following conditions:

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1. The two proposed parking stalls shall be removed resulting in a variance from 34 parking stalls to 4 parking stalls, all of which are grandfathered. The proposed parking area shall instead be utilized as a loading space or green space.
2. No fewer than 8 bicycle parking spaces shall be provided on the site. Bicycle racks shall allow for the locking of bicycles in a stable upright position in a location that allows for visual monitoring. The bicycle parking may be located in the public right-of-way with permission of the city engineer.

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

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **return** the variance to reduce the required number to reduce the minimum drive aisle width from 22 feet to 12 feet for property located at 4555 Grand Ave S. provided the area shown as parking will be converted to landscaping, pavers, or shall be designated as a loading space.

Attachments:

1. PDR Report.
2. Statement from applicant.
3. Zoning map.
4. Site plans and elevations.
5. Photos.