

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-3180

Date: October 5, 2006

Applicant: Keith Baker

Address of Property: 2424 Central Avenue NE

Contact Person and Phone: Keith Baker, (612)701-2017

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: August 11, 2006

Public Hearing: October 5, 2006

Appeal Period Expiration: October 17, 2006

End of 60 Day Decision Period: October 10, 2006

End of 120 Day Decision Period: December 11, 2006 (Extension letter sent September 21, 2006)

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District

Proposed Use: Expansion of an existing restaurant

Proposed Variance: A variance to reduce the required number of off-street parking stalls from 13 spaces to 0 spaces, where 4 spaces are grandfathered, to allow for the expansion of an existing restaurant located at 2424 Central Avenue NE in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District.

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

Background: This item was continued from the September 7, 2006 Board of Adjustment hearing in order to allow the applicant additional time to complete a TAC hearing. The Board of Adjustment continued this item another cycle to the October 5, 2006 meeting to allow the applicant time to meet with the four nearby neighborhood groups.

The subject site is approximately 40 ft. x 115 ft. (4,600 sqft) and consists of a 3,770 sqft, two-tenant, commercial storefront building. The structure was moved on to this lot in 1890 and additions were constructed in 1890 and 1906, and the parking for the subject property has been historically on-street parking. There are two tenant spaces in the existing building, one is occupied by the existing restaurant Palm Court and the other tenant space is vacant. The applicant is proposing to expand the existing restaurant into the vacant tenant space and increase the seating area by 633 sqft.

The parking requirement for a restaurant is based on thirty (30) percent of the occupancy of persons, where one person is permitted per fifteen (15) square feet of floor area devoted to seating and lobby area for customers. The existing floor area of the seating area and lobby of the restaurant is 923 sqft. Based on the floor area, 19 parking stalls would be required for the use, which has been grandfathered in. The applicant is proposing to increase the seating and lobby area by an additional 633 sqft therefore an additional 13 parking spaces would be required. The vacant tenant space has grandfather rights of four spaces. Therefore the applicant is applying for a variance to reduce the parking requirement for the expansion of an existing restaurant from 13 spaces to 0, where 4 spaces are grandfathered.

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 reduction: The applicant is seeking a variance to reduce the required number of off-street parking spaces from the required 13 spaces to 0 spaces. The applicant states that the restaurant is intended to serve residents and patrons in the neighborhood who will walk, bike or take the bus to the business. Strict adherence to the regulations would not allow for the proposed expansion of the restaurant based on the parking requirement. The site plan shows the existing structure, which occupies the majority of the site and does not allow for an area devoted to off-street parking. Based on the submitted information, the proposed expansion to the restaurant is 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.**

Parking reduction: 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 is located on a commercial corridor as defined by the Minneapolis Plan and was, at one time, served by a street car line. The structure has been occupied by several food and beverage uses since the early 1900's, which predates the parking standards and requirements in the current Zoning Ordinance. The subject site does not permit any area sufficient enough in size to allow for any off-street parking area. The constraints of the site have been created by the existing building location and the size of the lot and are not circumstances created by the applicant.

- 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 reduction: 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 applicant has stated that the restaurant expansion and existing restaurant will serve surrounding area residents who will walk, bike or take the bus to the property. 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 addition, the existing restaurant is located on Central Avenue which is well served by several bus routes that run 24 hours per day, and therefore.

- 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 reduction: 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. While a restaurant use has a higher requirement for parking than some other more general retail uses, staff does not believe that the expansion of the existing restaurant will negatively impact the surrounding neighborhood. There are two bus lines as well as on-street parking in the area and the property is located in the Pedestrian Overlay District.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment adopt the findings above and **approve** variance to reduce the required number of off-street parking stalls from 13 spaces to 0 spaces, where 4 spaces are grandfathered, to allow for the expansion of an existing restaurant located at 2424 Central Avenue NE in the C1 Neighborhood Commercial District and PO Pedestrian Oriented Overlay District subject to the following condition:

1. That the Planning Division review and approve final site and floor plans.