

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4299

Date: January 22, 2009

Applicant: Chad Pittman (Ryan Companies), on behalf of Toonen Enterprises (Property Owner).

Address of Property: 3018 Hennepin Avenue South

Contact Person and Phone: Chad Pittman, (612) 492-4626

Planning Staff and Phone: Aaron Hanauer (612) 673-2494/Chris Vrchota, (612) 673-5467

Date Application Deemed Complete: January 31, 2008

Publication Date: January 16, 2009

Public Hearing: January 22, 2009

Appeal Period Expiration: February 2, 2008

End of 60 Day Decision Period: March 1, 2009

Ward: 10 **Neighborhood Organization:** East Calhoun Neighborhood (ECCO) and borders
Calhoun Area Residents Action Group (CARAG)

Existing Zoning: C-3A Community Activity District; PO Overlay District

Proposed Use: Restaurant (No change from existing use)

Proposed Variance: Variance to reduce the required off-street parking from 45 spaces to 0 spaces, where 26 spaces are grandfathered, for an existing restaurant site at 3018 Hennepin Avenue, in the C-3A Community Activity and PO Overlay District.

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

Background: The subject property is located on the west side of Hennepin Avenue, just south of Lake Street. The parcel is 5,833 square feet and contains a 3,227 square foot one-story commercial building. The property also contains a surface parking that provides six off-street parking spaces. The City of Minneapolis does not have an approved site plan on file for 3018 Hennepin Avenue (i.e. the off-street parking area that meets off-street parking requirements including drive isle and landscaping requirements). Therefore, it is likely that the site has less than six legally conforming off-street parking spaces.

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The subject property is home to the Uptown Bar and Café. The building was constructed in 1921 and has been in use as a café since at least 1933 when it was known as the Granada Café. The Uptown has been in operation on the site since 1943.

The owner of the subject property, Toonen Enterprises, also owns the property to the north, 3016 Hennepin Avenue South. This property contains the Uptown Bar covered patio area and a surface parking lot that provides 13 off-street parking spaces (see Attachments C1-C4). However, like the subject property, the City of Minneapolis does not have an approved site plan on file for 3016 Hennepin Avenue; therefore, it is likely that the site has less than 13 legally conforming off-street parking spaces. Even though there is not an approved site plan for 3016 or 3018 Hennepin Avenue, the Uptown Bar has had access to a total of 19 off-street parking spaces.

Proposal: Toonen Enterprises recently received planning commission approval to develop 3016 Hennepin Avenue to construct a 11,400 square foot, three-story commercial building (see Attachment G for actions and staff report). With this proposed development, the subject property would lose all off-street parking spaces that 3016 Hennepin Avenue provided (13 spaces) and the outdoor seating area on that site. Note: A condition of approval for BZZ 4290 is that the subject property, 3018 Hennepin Avenue receives approval for its parking variance.

The applicant, Tonen Enterprises, proposes to replace the approximately 650 square foot patio area with a new 600 square foot outdoor patio in the rear of the subject property. The applicant would lose two off-street parking spaces as the parking lot is currently configured with the construction of a new outdoor patio (see Attachment D1 and D2). The remaining four stalls shown on the site plan do not meet the zoning code standards for off-street parking stalls, and thus cannot be counted as on-site parking.

Off-Street Parking: The applicant is requesting a variance to reduce the required number of off-street parking spaces from 45 off-street parking spaces to zero. Under the existing code requirements, 45 parking stalls are required for the Uptown Bar; however, by time this item comes before the Board for a public hearing, it is likely that new parking standards will have been adopted by the City. The requirements for this site under the new standards would be 34 off-street parking spaces (see Appendix H for off-street parking calculation).

Public Comments:

Property owners within 350 feet of the subject property were notified of this variance request on January 1, 2009. One comment has been received as of January 8, 2008 and is included in the packet.

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.**

A restaurant is already in operation on the site. Due to the size of the lot and the amount of space taken up by the existing building, it is not feasible to provide on-site parking that meets the requirements of the Zoning Code on the site. For this reason, the existing property can not be put to a reasonable use without the variance.

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 parking variance is sought are unique to the parcel of land and have not been created by the applicant. The structure was built prior to the City of Minneapolis having off-street parking regulations and the size of the building footprint in relation to the size of the lot does not allow for additional parking to be added.

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.**

Granting 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 existing commercial building was constructed around 1921, prior to any parking provisions regulated by the City. It has been in use as a restaurant continuously since 1933.

In addition, the subject property is located in a PO- Pedestrian Overlay district. As per the Minneapolis Code, “The PO Pedestrian Oriented Overlay District is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses.”

Furthermore, the proposal is also in compliance with the following Minneapolis Comprehensive Plan and the Uptown Small Area Plan policies and goals

Comprehensive Plan: Parking and Transportation

- Policy 2.8: Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city’s business community.
 - 2.8.1 Implement off-street parking regulations which provide a certain number of parking spaces for nearby uses, while still maintaining an environment that encourages bicycle, pedestrian, and transit travel.

- 2.8.2 Design and implement incentives for shared parking and on-site car sharing programs, as well as carpooling and vanpooling.
- 2.8.3 Maximize the efficient use of off-street parking by developing district parking strategies in high density mixed-use areas such as Activity Centers and Growth Centers.
- 2.8.4 Consider eliminating minimum parking requirements for certain small-scale uses as well as parking requirements in areas served by off-street parking facilities that are available to the general public.

Uptown Small Area Plan

The proposal of allowing the restaurant to remain as is is also in compliance with the Uptown Small Area Plan Design Goal #2: *Create a dense mixed-use core*. At the same time the proposal does not go against Design Goal #1: *Reinforcing surrounding neighborhoods* since it will not encroach further on residential areas (see Attachment I for all Uptown Small Area Plan goals).

- 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 proposed variance will not substantially increase the congestion of the public streets. A majority of the parking for the site is already provided off site, and no change is being made to the site to increase the amount of traffic generated. As outlined in the Travel Demand Management Plan provided by the applicant, there are a number of existing and planned parking facilities available to employees and patrons in the immediate vicinity of the site, and the site is also accessible from a number of transit routes and the Midtown Greenway (see attachment E). The use in the existing commercial building will not increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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** the variance to reduce the required

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number of off-street parking stalls from 45 spaces to 0 spaces, where 26 spaces are grandfathered, at 3018 Hennepin Avenue South in the C-3A Community Activity and PO Overlay District subject to the following condition:

1. That the Planning Division-CPED review and approve the final site plan for the new proposed patio area. All drawings will be measured to an architect or engineer's scale.
2. That the subject property shall meet the off-street parking requirements for bicycle parking (541.180) and provide a minimum of three bike parking spaces.
3. That the subject property shall meet the screening of refuse and recycling container requirement of 535.80;
4. That the subject property shall meet the parking and loading landscaping requirements outlined in 530.170 and 541.
5. If the proposed outdoor seating area is constructed it shall meet all zoning code requirements including the requirements outlined in Chapter 548: Commercial Districts and the CPTED requirements outlined in 530.260

Attachments:

- A. Zoning map
- B. Statement of proposed use and request of variance statement
- C. Applicant photos
- D. Site plan
- E. Travel Demand Management Plan (excerpts)
- F. Public Comment
- G. BZZ 4290 Actions and Staff Report (3016 Hennepin Avenue)
- H. Off-Street Parking Calculation
- I. Uptown Small Area Plan Goals
- J. Aerials