

Department of Community Planning and Economic Development – Planning Division Report

Variance Request
BZZ-2883

Date: April 6, 2006

Applicant: Timothy Kane, on behalf of Spoonriver, Ltd.

Address of Property: 750 South 2nd Street

Contact Person and Phone: Aide Salgado, 612-770-8751

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

Date Application Deemed Complete: March 8, 2006

End of 60 Day Decision Period: May 6, 2006

Appeal Period Expiration: April 17, 2006

Ward: 7 **Neighborhood Organization:** Downtown

Existing Zoning: C3A Community Activity Center District, DH Downtown Height Overlay District, DP Downtown Parking Overlay District, MR Mississippi River Critical Area Overlay District

Proposed Use: Establish new restaurant

Proposed Variance: A variance to reduce the required off-street parking requirement from 22 spaces to 0 spaces for a restaurant located at 750 South 2nd Street in the C3A Community Activity Center District.

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

Background: The subject site is the Humboldt Lofts, built in 2002, which contains 37 dwelling units, parking structure and ground floor commercial space. The site received multiple land use approvals for the construction of the building from the City Planning Commission in 2001. At that time, the off-street parking requirement calculations were based on the subject commercial space being general retail sales and service, which has a parking requirement of four spaces. A restaurant use has a higher parking requirement from general retail. Also, documentation from the land use applications for this site indicates that the MCDA was arranging a parking lease with a surface parking lot across the street from the subject site. That surface parking lot is now a parking ramp, and no parking lease was finalized.

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 22 to 0 spaces. The structure contains parking for residents, but there is no parking accessible for the general public and there is no available space on this property for other parking. Without the variance, the zoning code prevents this establishment from locating at this property, which is a permitted use in the zoning district. Staff believes that the proposed business 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.**

The applicant is moving into an existing storefront location. Based on documents from the original land use approvals, when the property was developed, parking for the commercial space was to be provided for in a surface parking lot across the street. This parking lot is now a parking ramp and no parking agreement currently exists. This circumstance is unique and has not been 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.**

Granting the parking variance will be in keeping with the spirit and intent of the ordinance and will not alter the character of the surrounding area. There are two City owned public parking ramps within two blocks of the subject site and establishment will receive pedestrian activity from downtown residents and workers.

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. There are two City owned public parking ramps within two blocks of the subject site and establishment will receive pedestrian activity from downtown residents and workers.

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

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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 variance to reduce the required off-street parking requirement from 22 spaces to 0 spaces for a restaurant located at 750 South 2nd Street in the C3A Community Activity Center District.