

**Department of Community Planning and Economic Development – Planning Division****Variance Request  
BZZ-3299**

**Date:** November 16, 2006

**Applicant:** Nathaniel Shea, on behalf of Celeste Shahidi

**Address of Property:** 825 Washington Avenue South

**Contact Person and Phone:** Nathaniel Shea, (612) 879-8152

**Planning Staff and Phone:** Brian Schaffer, (612) 673-2670

**Date Application Deemed Complete:** October 25, 2006

**Public Hearing:** November 16, 2006

**Appeal Period Expiration:** November 27, 2006

**End of 60 Day Decision Period:** December 24, 2006

**Ward: 2      Neighborhood Organization:** Prospect Park East River Road Improvement Association

**Existing Zoning:** C3A, Community Activity Center District and PO Pedestrian Oriented Overlay District

**Proposed Use:** Two new restaurants replacing one existing first floor restaurant and a new second story restaurant.

**Proposed Variance:** A variance to reduce the required off-street parking from 162 spaces to 87 spaces, where 54 spaces are grandfathered, to allow for two additional restaurants in the Stadium Village Mall at 825 Washington Avenue Southeast, in the C3A, Community Activity Center District and PO Pedestrian Oriented Overlay District.

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

**Background:** The subject site is a multi-tenant building that is defined as a shopping center by the Zoning Ordinance and is located on the northeast corner of the intersections of Washington Avenue Southeast and Ontario Street Northeast. The footprint of the building is nearly 23,000 square feet and is served by two parking lots; one the east side of Ontario and the other on the west side of Ontario. The building's current tenants include Subway, Pita Pit, On the Go PC, Neon Sun Tanning, the University of Minnesota Credit Union and two available office spaces. Two new restaurant tenants will occupy the former Perry's Pizza space; they will be Moe's Southwestern Grill, and Raising Canes. The applicant is

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also converting office space on the second floor to allow for a new restaurant, Sushi Miyabi. The off-street parking requirement for the new restaurant tenants is 39 spaces for Moe's Southwestern Grill, 44 spaces for Raising Canes, and 43 spaces for Sushi Miyabi. The parking requirement for the existing tenants is 26 spaces on the first floor and 10 spaces on the second floor. The total off-street parking is 162 spaces. There are 33 off-street parking spaces provided on and adjacent to the site and the site is grandfathered for 54 spaces resulting in a variance from 162 to 87 spaces or 75 spaces, a 53 percent reduction.

In 2001, an application for a parking variance to allow an additional restaurant into the mall was withdrawn (BZZ-338). In 2003, a site plan review for the shopping center and its parking lots was approved (BZZ-1004). In 2005, the property was rezoned to C3A Community Activity Center and a variance granted to reduce the required off-street parking from 131 to 87 spaces (BZZ-2115).

In effect, the current application to reduce the off-street parking from 162 to 87 spaces is a variance to reduce the off-street parking from 162 to the previously approved 131 spaces, a 31 parking space reduction.

**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 has requested a variance to reduce the required off-street parking from 162 spaces to 87 spaces, where 54 spaces are grandfathered, to allow for two additional restaurants in the Stadium Village Mall. The property is zoned C3A Community Activity Center and PO Pedestrian Overlay District. The intent of the C3A District is to "provide for the development of major urban activity and entertainment centers with neighborhood scale retail sales and services." The intent of the PO District is to "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."

There is no room for additional parking on the site. It will not be possible to use this large building for many other uses other than offices if some parking variance is not available. The Zoning Ordinance encourages more active uses than office on the site. The site is located near bus lines making transit very accessible. Requiring that this use provide the full parking requirement when there is evidence that there will be significant pedestrian traffic and when there is transit available 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 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 Community Activity Center as defined by the Minneapolis Plan. The subject site does not permit any area sufficient enough in size to allow for the required 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.**

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 the Pedestrian Overlay District in order to support the preserving and encouraging of the pedestrian character of commercial areas and promoting street life in the area. In addition, the existing restaurant is located on Washington Avenue which is well served by several bus routes.

- 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. While a restaurant use has a higher requirement for parking than some other more general retail uses, staff does not believe that the additional restaurants will negatively impact the surrounding neighborhood. There are multiple bus lines serving Washington and University and a number of structure parking facilities within a short walking distance.

**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** variance to reduce the required off-street parking from 162 spaces to 87 spaces, where 54 spaces are grandfathered, to allow for two additional restaurants in the Stadium Village Mall at 825 Washington Avenue Southeast, in the C3A, Community Activity Center 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.