

Department of Community Planning and Economic Development - Planning Division Report**Variance Request
BZZ-3225****Date:** November 27, 2006**Applicant:** Gail Mollner (restaurant owner), on behalf of Tangletown Properties**Address of Property:** 815 West 50th Street**Contact Person and Phone:** Gail Mollner, (651) 319-2968**Planning Staff and Phone:** Aaron Hanauer, (612) 673-2494**Date Application Deemed Complete:** November 8, 2006**Public Hearing:** December 7, 2006**Appeal Period Expiration:** December 18, 2006**End of 60 Day Decision Period:** January 8, 2007**Ward:** 13 **Neighborhood Organization:** Lynnhurst Neighborhood Association**Existing Zoning:** C1 Neighborhood Commercial District**Proposed Use:** New restaurant replacing coffee shop.**Proposed Variance:** A variance to reduce the required number of off-street parking stalls from 20 spaces to 0 spaces, where 4 spaces are grandfathered, to allow for a new restaurant located at 815 West 50th Street in the C1, Neighborhood Commercial District.**Zoning code section authorizing the requested variance:** 525.520 (7)**Background:**

The subject parcel is located on the southeast corner of 50th Street West and Bryant Avenue in the Tangletown neighborhood. This parcel contains a one-story, multi-tenant building (four establishments) that was built in 1912 and is approximately 7,450 sq. ft. The parcel is zoned C1, Neighborhood Commercial District. The applicant has proposed a sit-down restaurant to take over the 1,600 sq. ft. store opening that was vacated by Caribou Coffee earlier this year. The other tenants of this building include Pane Vino Dolce (neighborhood restaurant), and two retail stores, Stems and Vines (floral shop) and Patina (gift store).

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 requested variance is to reduce the required number of off-street parking spaces from 20 spaces to 0 spaces (where 4 are currently grandfathered) to allow for a new restaurant in this C1 zoning district. Strict adherence to the parking regulations in the Zoning Code would prevent this restaurant or any other use with an off-street parking requirement greater than 4 spaces from operating at this location since there is no room for additional parking on the subject site. Furthermore, providing the required parking would necessitate demolition of a nearby property. For these reasons, 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. At the time the building was built, there were no parking requirements in place. The size of the building footprint in relation to the size of the site constrains construction of additional parking.

- 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 keeping with the spirit and intent of the ordinance and the Minneapolis Plan (TMP). The location of this restaurant, on West 50th Street, is recognized in the TMP as a Community Corridor. A characteristic of a Community Corridor is the presence of small-scale retail sales and services that serve the immediate neighborhood, which is the proposed restaurant's intended purpose. In addition, to West 50th Street being a Community Corridor, the intersection of West 50th Street and Bryant Avenue South is designated a Neighborhood Commercial Node in the TMP. The TMP describes Neighborhood Commercial Nodes as having a historical commercial function, oriented to pedestrian traffic, and providing at least three retail or service uses to residents of surrounding neighborhoods.

Finally, the proposed restaurant will neither alter the essential character of the surrounding neighborhood (there are two other sit-down restaurants in close proximity, the Malt Shop and Pane Vino Dolce), nor be injurious to the use or enjoyment of other property in the area.

- 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.**

CPED Planning Division
BZZ-3325

Granting the proposed variance will not substantially increase the congestion of the public streets for two reasons. First, as noted in the third finding, the proposed restaurant is located along a Community Corridor. A traffic characteristic of Community Corridors is that they carry heavy volume of traffic. Second, on-street parking and bus service are available along 50th Street West and Bryant Avenue. Granting this variance will also not substantially increase other negative side effects.

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 number of off-street parking stalls from 20 spaces to 0 spaces, where 4 spaces are grandfathered, to allow for a new restaurant located at 815 West 50th Street in the C1, Neighborhood Commercial District subject to the following condition:

1. That the Planning Division-CPED review and approve the final site plan, floor plans, and elevation. All drawings will be measured to an architect or engineer's scale.