

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5320

Date: October 6, 2011

Applicant: Donna Sanders

Addresses of Property: 3448 42nd Avenue South

Project Name: The Blue Door – Longfellow Restaurant

Contact Person and Phone: Donna Sanders, (612) 703-4092

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

Date Application Deemed Complete: September 13, 2011

End of 60-Day Decision Period: November 11, 2011

Ward: 12 Neighborhood Organization: Longfellow Community Council

Existing Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 28

Legal Description: Not applicable for this application

Proposed Use: Sit-down Restaurant

Variance: to reduce the required number of off-street parking spaces to allow for the conversion from general retail sales and service to a sit-down restaurant within an existing building

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically section 525.520(6) “to vary the applicable minimum... number of required off-street parking spaces...”

Background: The subject property is approximately 37 ft. by 133 ft. (4,921 sq. ft.) and is located on the corner of 42nd Avenue south and 35th Street East. The original structure built on the property was built as a 34 ft. by 34 ft. store and dwelling in 1919. There were two structural additions added later including a 20 ft. by 20 ft. garage and 10 ft. by 27 ft. addition to the store. These structures are all attached and are still present on the property. The previous use of the property was John’s Appliance, a general retail sales and service use that was present in the building from 1971 until April 2011. The applicant is now proposing a change of use from general retail sales and service to a new sit-down restaurant.

The gross floor area (GFA) of the building is 3,972 sq. ft. The minimum parking requirement for a general retail sales and service use, based on the existing GFA, is 4 off-street parking spaces. There are

CPED – Planning Division Report
BZZ-5320

no off-street parking spaces on the property; as a result, the property has nonconforming rights to the 4 spaces. A sit-down restaurant has a minimum parking requirement of 1 off-street parking space per 500 sq. ft. of GFA up to 2,000 sq. ft. and 1 space per 300 sq. ft. of GFA in excess of 2000 sq. ft. For a 3,972 sq. ft. restaurant, the parking requirement is 11 spaces. The applicant is applying the bicycle incentive, which will further reduce the required parking by 10% (1 space). Therefore, the minimum required off-street parking for the proposed sit-down restaurant is 6 spaces, after applying the nonconforming rights and bicycle incentive. The applicant is applying for a variance to reduce the required parking from 6 spaces to 0 to allow for the conversion from general retail sales and service to a sit-down restaurant.

The applicants have provided the Longfellow Community Council regarding the plans for the restaurant and the license to serve beer and wine. A copy of the letter is attached. Staff will forward additional comments, if any are received, at the Board of Adjustment meeting.

VARIANCE: to reduce the required number of off-street parking spaces from approximately 6 spaces to 0 to allow for a sit-down restaurant within an existing building.

Findings Required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

The circumstances upon which the variance is requested are unique to the parcel of land, based on the previous use, structures covering all buildable area of the lot and the existing parking deficiency. The site is currently deficient in required parking by four spaces. The change of use will increase the parking requirement by 6 spaces and the applicant is requesting a variance. The use of a sit-down restaurant is pedestrian in nature and staff believes that many patrons of the use will use alternative forms of transportation including walking, biking and busing. Sanford Middle School is located directly across the street and on-street parking, not located directly in front of residences in the neighborhood will be available after school hours, which are the same peak times for the business. These circumstances have not been created by the applicant.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Staff believes that the applicant is proposing to use the property in a reasonable manner that will keep with the spirit and intent of the ordinance and comprehensive plan. The intent of parking and loading regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking and loading spaces and the driveways and aisles that provide access and maneuvering space. The regulations promote flexibility and recognize that excessive off-street parking conflicts with the city's policies related to transportation, land use, urban design, and sustainability. The use of a sit-down restaurant is pedestrian in nature and staff believes that many patrons of the use will use alternative forms of transportation including walking, biking

CPED – Planning Division Report
BZZ-5320

and busing. In addition, Sanford Middle School is located directly across the street and on-street parking, not located directly in front of residences in the neighborhood will be available after school hours, which are the same peak times for the business. The applicant is showing approximately 1,500 sq. ft. of public area with 75 seats. Staff would have concerns if the public area were to significantly increase in the future. Therefore, staff is recommending that any increase beyond 1,875 sq. ft. would require another review of the variance, unless sufficient parking is provided.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Staff believes that the granting of this variance would not negatively alter the essential character or be injurious to the use or enjoyment of other property in the area. The sit-down restaurant will be provided within the existing structure and the applicant is proposing several enhancements to the building, including new signage and windows to improve the appearance of the structure. As previously mentioned, the applicant expects that most of the patrons will be people that live in the neighborhood and would most likely bike or walk to the restaurant and there is greater availability of on-street parking during peak hours. While the project will undoubtedly lead to some degree of spillover parking on area streets, staff does not believe that the proposed variance will be detrimental to the health, safety or welfare of the general public. Staff would encourage the applicant to work with Sanford Middle School to allow off-street parking in the evenings. In order to allow for parking at the school, the property would have to be rezoned to add the TP Transitional Parking Overlay District.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required number of off-street parking spaces from 6 spaces to 0 spaces for a sit-down restaurant in an existing building for the property located at 3448 42nd Avenue South in the C1 Neighborhood Commercial District, subject to the following condition of approval:

1. Bicycle racks shall be provided to accommodate no fewer than six (6) bicycles on the property and shall meet the minimum requirements for short term bicycle parking. The bicycle parking may be located in the public right-of-way with permission of the city engineer.
2. The public area open to customers inside of the structure shall not exceed 1,875 sq. ft. in area.

CPED – Planning Division Report
BZZ-5320

Attachments:

1. Written descriptions and finding submitted by applicant
2. Copies of letter sent to Longfellow Community Council and CM Colvin-Roy
3. Letters and e-mail from Longfellow Community Council
4. Zoning map
5. Site plan
6. Floor plan
7. Elevations
8. Photographs