

Department of Community Planning and Economic Development - Planning Division
Rezoning and Variance
BZZ-5786

Date: October 15, 2012

Applicant: Nils Collins, Radical Roots Collective dba Seward Community Cafe

Address of Property: 2123-2129 Franklin Avenue E

Project Name: Seward Community Cafe Rezoning

Contact Person and Phone: Nils Collins (612) 839-5383

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: September 18, 2012

End of 60 Day Decision Period: November 17, 2012

End of 120 Day Decision Period: On October 3, 2012, staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to January 16, 2012.

Ward: 2 Neighborhood Organization: Seward Neighborhood Group

Existing Zoning: C1, Neighborhood Commercial District; PO, Pedestrian Oriented Overlay District

Proposed Zoning: C2, Neighborhood Corridor Commercial District; PO, Pedestrian Oriented Overlay District

Zoning Plate Number: 21

Legal Description: S 1/2 OF LOTS 1 AND 2 AND W 45 FT OF N 1/2 OF LOT 2, BLOCK 011, O'DOHERTY & O'REILLYS ADDN TO MPLS; and N 1/2 OF LOT 1 AND THE E 11 48/100 FT OF N 1/2 OF LOT 2 LOTS 1 AND 2, O'DOHERTY & O'REILLYS ADDN TO MPLS.

Proposed Use: Restaurant, sit down, including the serving of alcoholic beverages, with general entertainment.

Concurrent Review:

Rezoning: From C1 to C2 for property at 2123-29 Franklin Avenue E.

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Variance: To reduce the required number of off-street parking spaces from 15 to 14 for a restaurant, sit down, including the serving of alcoholic beverages, with general entertainment in the C2 District.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments and Chapter 525, Article IX, Variances, specifically Section 525.520(6) “to vary the applicable minimum and maximum number of required off-street parking, stacking or loading spaces”.

Background: Nils Collins is proposing to rezone the property at 2123-29 Franklin Avenue E to allow for a restaurant, sit down, including the serving of alcoholic beverages, with general entertainment. The existing building currently contains a sit down restaurant. The restaurant serves breakfast and lunch only and is not open past 4:00 p.m. With the rezoning request, the applicant is proposing to extend the hours of operation to include dinner service, pursue a wine and strong beer liquor license and offer general entertainment.

A restaurant, sit down, including the serving of alcoholic beverages, with general entertainment is first allowed in the C2, Neighborhood Corridor Commercial district. A restaurant with limited entertainment is allowed in the current C1 zoning district. Limited entertainment is defined in the zoning code as “Entertainment limited to literary readings, storytelling or live music by not more than three (3) persons, using non-amplified musical instruments, with no patron dancing.” General entertainment is defined as entertainment that does not meet the definition of “limited entertainment.” The applicant proposes to have up to five musicians performing at any one time.

The parking requirement for a restaurant, sit down, including the serving of alcoholic beverages, with general entertainment, is higher than the parking requirement for restaurants with limited entertainment. The parking requirement for the proposed use is 30 percent of the capacity of persons. The dining area of the restaurant is approximately 1,150 square feet, equating to a base parking requirement of 23 spaces. The site is located in the Pedestrian Oriented Overlay District, so the parking requirement is reduced to 75 percent of the minimum or 17 spaces in this case. The applicant is taking advantage of the bicycle incentive in Section 541.220 of the zoning code, which allows the minimum automobile parking requirement to be reduced by ten percent where bicycle parking is provided in an amount equal to 25 percent of the number of required automobile spaces. There are 34 bicycle parking spaces provided on site and the minimum requirement to qualify for the incentive is seven spaces. Therefore, the actual parking requirement for this use is 15 spaces. There are 14 spaces located in the surface parking lot on the south side of the building. A variance to reduce the minimum off-street parking requirement from 15 spaces to 14 spaces has been requested accordingly.

As of the writing of this staff report staff has not received any correspondence from the Seward Neighborhood Group. Any correspondence, if received, will be forwarded to the Planning Commission at the public hearing.

REZONING: Petition to rezone the property at 2123-29 Franklin Avenue E from C1 to C2.

Findings as required by the Minneapolis Zoning Code:

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1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The proposed zoning would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property at 2113-29 Franklin Avenue E is designated as mixed use on the future land use map. Franklin Avenue is a commercial corridor in this location. The site is one block east of an Activity Center boundary and is within the Franklin Avenue LRT Transit Station Area. The following principles and polices outlined in the plan apply to this proposal:

Land Use Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Land Use Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Land Use Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

Land Use Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

Economic Development Policy 4.9: Focus economic development efforts in strategic locations for continued growth and sustained vitality.

4.9.1 Prioritize economic development efforts around designated neighborhood commercial nodes, commercial corridors, activity centers, and growth centers.

Rezoning from the C1 district to the C2 district would allow for a wider range of commercial uses along this commercial corridor and within a Transit Station Area. While the site is along a commercial corridor, it is not at the intersection of two corridors. Thus, the automobile service uses allowed in the C2 district would be inconsistent with the comprehensive plan policies for

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the site. The C2 zoning classification would be consistent with the character or the surrounding area and other uses along Franklin Avenue.

The site is also within the study area of the *Franklin-Cedar/Riverside Transit-Oriented Development Master Plan*. While much of this plan is focused on the area immediately adjacent to the transit station, the plan does call for a broader mix of uses within one-half mile of the station and increasing the intensity of use around major transit stops with a concurrent goal of creating a diversity of commercial and residential space in a neighborhood. Rezoning the site to C2 will allow for the diversity of commercial uses called for in the small area plan.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning would allow for a broader range of available goods and services on a commercial corridor and within a Transit Station Area, as called for in adopted policies. The proposed rezoning would also support a mix of uses along this commercial corridor. The amendment is in the public interest and not solely in the interest of the property owner.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The proposed zoning would be compatible with the zoning classifications and existing uses of other property in the area. Franklin Avenue is designated as a commercial corridor in this location. All properties east of the site, as far as the transit station at Hiawatha Avenue, are zoned C2 and contain a variety of commercial uses. Properties fronting along Franklin Avenue to the north and east of the site are zoned C1. Some uses allowed in the C2 district that are not allowed in the C1 district include currency exchanges, tobacco shops and reception halls. However, these types of uses are supportable along a commercial corridor and any potential adverse impacts can be mitigated through site design and other zoning code requirements. Automobile service uses, drive-through facilities and transportation uses that may otherwise be allowed in the C2 district will not be permitted on this site due to the presence of the Pedestrian Oriented Overlay district.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The existing zoning is C1, Neighborhood Commercial district. The C1 district allows small scale retail sales and commercial services, residential uses, and various institutional and public uses. Both the comprehensive plan and the small area plan support a mix of uses adjacent to Franklin Avenue, a commercial corridor, that are allowed in the C2, Neighborhood Corridor Commercial district. The rezoning would allow some additional goods and services to be provided on a commercial corridor and within a Transit Station Area.

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5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The property located at 2123-29 Franklin Avenue E was zoned B3S-2 (similar to the C2 district in the current zoning ordinance) from 1963 to 1999. With the adoption of the 1999 zoning code, the zoning changed to the C1 district. In the immediate area, the zoning and character of development along Franklin Avenue has consistently been commercial and residential uses.

Since the property was placed in its current zoning district, there has been a change in the character and trend of development in the area. In 2001, a Master Plan for the Franklin Avenue LRT station was adopted and in 2005 the associated Implementation Plan was adopted. This plan calls for a broader mix of uses within one-half mile of the station and increasing the intensity of use around major transit stops with a concurrent goal of creating a diversity of commercial and residential uses in the neighborhood. Rezoning to the C2 district will allow for the diversity of commercial uses called for in the Small Area Plan.

VARIANCE: To reduce the required number of off-street parking spaces from 15 to 14.

Findings as Required by the Minneapolis Zoning Code for the Variance:

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 parking requirement for a restaurant, sit down, including the serving of alcoholic beverages, with general entertainment, is higher than the parking requirement for restaurants with limited entertainment. The parking requirement for the proposed use is 30 percent of the capacity of persons. The dining area of the restaurant is approximately 1,150 square feet, equating to a base parking requirement of 23 spaces. The site is located in the Transit Station Area Pedestrian Oriented Overlay District (TSA PO), so the parking requirement is reduced to 75 percent of the minimum or 17 spaces in this case. The applicant is taking advantage of the bicycle incentive in Section 541.220 of the zoning code, which allows the minimum automobile parking requirement to be reduced by ten percent where bicycle parking is provided in an amount equal to 25 percent of the number of required automobile spaces. Therefore, the actual parking requirement for this use is 15 spaces. There are 14 spaces located in the surface parking lot on the south side of the building. A variance to reduce the minimum off-street parking requirement from 15 spaces to 14 spaces has been requested accordingly.

Practical difficulties exist in complying with the minimum parking requirement in this location. There are unique circumstances associated with the site that make it impractical to comply with the minimum parking requirement due to its close proximity to transit. The site is located within the Franklin Avenue LRT Transit Station Area as it is less than one half mile from the transit station at Franklin Avenue and Hiawatha Avenue. The transit station is approximately 1,800 feet

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east of the site. These circumstances are unique to the parcel and 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.

The requested parking variance from 15 spaces to 14 spaces is reasonable due to the proximity to transit and alternative modes of transportation available in the immediate area, as well as the amount of bicycle parking provided on site. Furthermore, the Planning Division concludes that the granting of the variance will be in keeping with the spirit and intent of the ordinance. The site is located within the boundaries of a Transit Station Area. *The Minneapolis Plan for Sustainable Growth* states that development in Transit Station Areas is designed with the pedestrian, bicyclist, and/or transit user in mind and development in these areas serves individuals who are more likely to use transit. The site is also located in the Pedestrian Oriented Overlay District which is established to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. There are 34 bicycle parking spaces provided on site, greatly exceeding the minimum requirement to qualify for the bicycle incentive, which is seven spaces.

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.

The reduction in parking will not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. Because of the proximity to transit and the significant supply of bicycle parking, the Planning Division concludes that the granting of the variance would have little impact on congestion of area streets. The statement submitted by the applicant asserts that many customers utilize alternative modes of transportation, including walking, biking and using the nearby LRT. The application materials also state that the bicycle racks are utilized more than the vehicle parking stalls. As such, the proposed variance will not be detrimental to the public health, safety of welfare and will not result in significant congestion in the adjacent streets.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the findings above and **approve** the rezoning from the C1, Neighborhood Commercial district to the C2, Neighborhood Corridor Commercial district for the property located at 2123-29 Franklin Avenue E.

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Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit:

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 minimum vehicle parking requirement from 15 spaces to 14 spaces for the property located at 2123-29 Franklin Avenue E, subject to the following condition:

1. A minimum of seven bicycle parking spaces shall be provided at all times to qualify for the bicycle incentive in Section 541.220 of the zoning code.

Attachments:

1. Statement and findings from applicant.
2. E-mail to Council Member Cam Gordon and the Seward Neighborhood Group.
3. Correspondence.
4. Zoning map.
5. Zoning code information sheet.
6. Site plans and elevations.
7. Photos.