

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ – 1979

Date: October 13, 2004

Applicant: Master Development Group

Address of Property: 3801 – 28th Ave. S. (aka 2803 E. 38th St.)

Project Name: Tillie’s Bean

Contact Person and Phone: Patricia Fitzgerald, (612) 872-8495

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: September 17, 2004

End of 60-Day Decision Period: November 16, 2004

Ward: 9 **Neighborhood Organization:** Standish-Ericsson Neighborhood Association

Existing Zoning: C2

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 33

Legal Description: Not applicable for this application

Proposed Use: Coffee shop

Concurrent Review:

Variance to reduce the required number of off-street parking spaces from ten (10) to one (1) to allow a coffee shop in an existing mixed use building.

Applicable zoning code provisions:

Table 541-1, Specific Off-Street Parking Requirements
525.520. Authorized variances.

Background: The applicant recently constructed a mixed use building located at the southeast corner of E. 38th Street and 28th Avenue South, one-and-a-half blocks west of the 38th Street LRT station. The Planning Commission’s approval (BZZ – 1091) of the project on April 14, 2003, included a variance to reduce the required number of off-street parking spaces from three to one (with one enclosed parking space being reserved for the business owner or operator). The parking requirement at that time assumed that the commercial space would be used for a retail or

office use (and that bicycle parking would be provided for at least four bicycles). A coffee shop is now proposed, which increases the minimum off-street parking requirement for the space. The coffee shop would have 598 square feet of public area. The applicant seeks to reduce the number of required spaces to allow the proposed coffee shop.

VARIANCE -

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

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Providing a commercial space (i.e., 1,000 square feet) within a mixed use development presents unique challenges on a site that is relatively modest in area.

- 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.**

While the applicant has contributed to the alleged hardship by developing the property in the manner in which it has been developed, the applicant would be unable to provide a food and beverage use consistent with some other small commercial spaces existing on 38th Street unless the variance is granted.

- 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.**

One off-street parking space would be provided for an owner or employee of the commercial space. The comprehensive plan suggests that the city should be willing to reduce the required number of off-street parking spaces in Transit Station Areas. Given the very modest scale of the proposed use, staff does not expect that granting the variance would negatively affect the character of the surrounding area and would, in fact, help reinforce the character of the area. The applicant has installed a transit shelter at the bus stop along 28th Avenue and will be installing bicycle racks as required by the previous land use application. The applicant is encouraged to enhance the transit shelter with fixed seating and to provide a shelter structure for the bicycle parking. The bicycle parking should be located far enough from the building wall to ensure that the racks are functional.

- 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.**

Given the site's proximity to LRT, staff expects that the use would be oriented largely to pedestrian and transit oriented trade. Planning staff recognizes that the nearby LRT station has contributed to on-street parking challenges in the immediate area during weekdays and major downtown sporting events. However, the modest size—and therefore the modest capacity—of the commercial space would preclude the use from causing substantial problems related to congestion and public safety. The applicant could consider a request to designate short-term parking for a certain number of on-street spaces on 38th Street.

RECOMMENDATION

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required number of off-street parking spaces from ten (10) to one (1) to allow a coffee shop at 3801 – 28th Ave. S. (aka 2803 E. 38th St.).

Attachments:

1. Statements submitted by the applicant
2. Zoning map
3. Floor plan
4. Building details
5. Ground level plan
6. Site plans
7. Building Elevations
8. Proposed sign
9. Photos