

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit & Variance
BZZ-4203

Date: November 17, 2008

Applicant: Luis Caire – El Campestre Reception Hall Inc.

Address of Property: 2728 Nicollet Ave S

Project Name: El Campestre Reception Hall

Contact Person and Phone: Luis Caire (612) 290-1701

Planning Staff and Phone: Jessica Thesing (612) 673-5887

Date Application Deemed Complete: September 25, 2008

End of 60 Day Decision Period: November 24, 2008

End of 120 Day Decision Period: On November 7th, 2008 staff sent a letter to the applicant extending the decision period to no later than January 23, 2009.

Ward: 6 **Neighborhood Organization:** Whittier, Whittier Alliance

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

Zoning Plate Number: 25

Legal Descriptions: Not applicable

Existing Use: Vacant commercial tenant space in an existing shopping center

Concurrent Review:

- **Conditional Use Permit:** To extend the hours of operation for a reception hall to 1:00 a.m. Friday and Saturday.
- **Variance:** To reduce the overall shopping center parking requirement from 132 to 74 where 12 are grandfathered and bicycle racks capable of holding 36 bicycles will be installed in lieu of 9 spaces.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances (7), and Chapter 548 Commercial Districts, Chapter 551, Article II Pedestrian Oriented Overlay District.

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Background: The applications above regarding a proposed reception hall at the property located at 2728 Nicollet Ave S were originally scheduled for the October 20, 2008 City Planning Commission hearing however were continued two cycles at the applicants request to allow additional time to secure parking for the purpose of reducing the overall variance request. Luis Claire, on behalf of the applicant submitted materials via email October 23, 2008 indicating additional parking located at 2835 Nicollet Ave S and 2834 1st Ave S which is located approximately 1 block south of the subject property. The applicant also submitted a signed lease agreement for this parking November 2nd, 2008. According to the applicant, 2835 Nicollet Ave S is a two story building with approximately 5,100 square feet of floor area per floor. There is a restaurant currently located on the first floor that has approximately 2,726 square feet of seating area which is required to provide approximately 55 parking spaces. The second floor of the building is comprised primarily of an office in addition to an open area previously occupied by a restaurant; the parking calculation for this area based on office use is approximately 4 spaces. In total, the overall requirement for the building is approximately 59 spaces however the building is providing only 28 spaces on site and it is unknown if the tenants have other parking arrangements at this time. The building owner of the property located at 2835 Nicollet Ave S also owns a property located at 2834 1st Ave S which he uses as additional parking for his building however, the combined sites do not have the excess parking stalls required to provide parking for any uses at 2728 Nicollet Ave S through a shared parking agreement. In addition, because the tenant on the first floor of the 2835 Nicollet Ave S building is a restaurant, it has the same peak hours as the proposed reception hall at 2728 Nicollet Ave S and per section 541.190 of the zoning code, the zoning administrator may authorize a reduction in the total number of required parking spaces for two (2) or more uses jointly providing off-street parking only when their respective hours of peak operation do not overlap. Therefore, the properties at 2835 Nicollet Ave S and 2834 1st Ave S are not an appropriate solution and cannot provide parking that will reduce the overall parking requirement for the proposed reception hall at 2728 Nicollet Ave S.

The applicant Isidro Perez owns 2728 – 2750 Nicollet Ave S, 10 28th Street W, and 2741 Blaisdell Ave which is a total of 7 parcels according to Hennepin County records; all of which are utilized by two buildings comprised of an existing shopping center (south building) and a multiple commercial tenant shopping center (north building) and three parking areas.

The following land use applications were reviewed by the Minneapolis City Planning Commission in 2003:

- **Zoning Amendment**-to add the TP Overlay to the R6 zoned parcel located at 2741 Blaisdell Ave S.
- **Conditional Use Permit**-to allow a parking lot in the TP Overlay District at 2741 Blaisdell Ave S.
- **Site Plan Review**-for an existing shopping center at 2728-2750 Nicollet Avenue South and an off-site parking lot located at 2741 Blaisdell Ave S.
- **Variance**-from the requirement that a parking lot in the TP Overlay District shall have a side lot line that abuts the zoning district served by the parking lot to allow a parking lot at 2741 Blaisdell Ave S.
- **Variance**-to reduce the required front yard setback along Blaisdell Ave S from 24 feet to 5 feet for a parking lot at 2741 Blaisdell Ave S.
- **Variance**-to reduce the required south side yard setback from 5 feet to 0 feet for a parking lot at 2741 Blaisdell Ave S.

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- **Variance**-to reduce the required rear yard setback from 5 feet to 0 feet for a parking lot at 2741 Blaisdell Ave S.

The City Planning Commission approved the rezoning petition, conditional use permit, three variances, and the site plan review application; and the City Council and Mayor gave final approval of the rezoning petition for the TP Overlay District to be added to the parcel located at 2741 Blaisdell Avenue South to legalize a parking lot to be utilized by the existing shopping center under the previous land use applications (BZZ 1395). The variance to reduce the front yard setback along Blaisdell Ave S for the parking lot was denied.

In 2003, the north building was comprised of 4 retail tenant spaces and a restaurant. The south building was also comprised of 4 retail tenant spaces and a restaurant. For the north building, it was determined that the total parking requirement was 26; 16 for the 4 retail spaces and 10 for the restaurant. For the south building, it was determined that the total parking requirement was either 56 or 65; 5 for the bakery, 26 for the restaurant (El Mariachi), 4 for the laundry facility, and either 21 or 30 for the grocery/retail space depending on the usage. The total requirement for all uses in both buildings was determined to be either 82 or 91 depending as stated on space usage. According to the site plan provided and approved as part of those applications, the three parking lots provided a total of 75 spaces, 10 of which are permanently leased by the fire department located at 2749 Blaisdell Ave S. It was also determined that the site had 12 nonconforming credits (grandfather rights) to parking. In total, the three parking areas plus the determined nonconforming credits provided a total of 87 spaces to be utilized by the fire department and the shopping center. It was determined that the three parking areas provided sufficient parking for all the uses mentioned.

When this recent application was originally submitted, the north building floor plans didn't include accurate information regarding the seating area within the two existing restaurants. Because of this, the original parking requirement was calculated to be lower than the present count. According to information provided by the applicant at this time, the north building is now comprised of a salon, two restaurants, a vacant retail tenant space, and the vacant retail space proposed to be utilized by a reception hall per this application. The south building is comprised of a restaurant, market, laundry facility, deli (part of the market), and a bakery. The existing shopping center in the south building is open meaning, you can walk freely once inside the building from one use to the other except for the restaurant (El Mariachi) that must be entered from the parking area between the north and south building (2728 Nicollet Ave S and 2738 Nicollet Ave S). The total parking requirement for the north building based on the floor plans provided by the applicant is 66; 4 for the salon, 4 for the Hoang Thien Y restaurant, 4 for the vacant retail tenant space, 5 for the Quarac restaurant (possibly vacant), and 49 for the proposed meeting/reception hall. For the south building, the parking requirement is 84; 44 for the restaurant (El Mariachi), 32 for the market, 4 for the bakery, and 4 for the laundry facility. The total requirement for both buildings based on the information provided is 150 spaces. See analysis table:

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General Retail Uses	Square Footage for parking calculation	Total Parking Requirement
Marissa's Market (S Building)	13, 497 - 4,000/300	32
Marissa's Bakery (S Building)	4,069	4
Laundromat (S Building)	3,174	4
Vacant Retail (N Building)	1,100	4
Emily's Hair Salon (N Building)	1,400	4
Food and Beverage Uses		
El Mariachi (S Building)	2191/15 * 30%	44
Hoang Thien Y (N Building)	132/15 * 30%	4
Quarac (N Building)	240/15 * 30%	5
El Campestre (N Building)	2420/15 * 30%	49
		150

The applicant has submitted a shared parking agreement application for all the uses in the building for the purpose of reducing the overall requirement. The total of the three parking lots currently provides 62 spaces and the site is credited with nonconforming rights for an additional 12 spaces. The total requirement for all the uses is 150 however with the shared parking agreement, the total required spaces during peak hours is reduced to 141 spaces. In addition, the applicant is proposing to install bicycle racks capable of holding 36 bicycles in lieu of 9 parking spaces. There are currently 9 uses combined for both buildings, each use can reduce their parking requirement by 1 space by providing a bicycle rack that will hold at least 4 bicycles. With the shared parking agreement and reduction allocation for bicycle racks capable of holding a total of 36 bicycles on site, the parking requirement is reduced to 132. (See table)

Table created according to Table 541-2 Shared Parking Calculations

General Retail Uses	1am to 7am	7am to 6pm	6pm to 1am	1am to 7am	7am to 6pm	6pm to 1am
Marissa's Market (S Building)	0	32	26	0	32	19
Marissa's Bakery (S Building)	0	4	3	0	4	2
Laundromat (S Building)	0	4	3	0	4	2
Vacant Retail (N Building)	0	4	3	0	4	2
Emily's Hair Salon (N Building)	0	4	3	0	4	2
Food and Beverage Uses						
El Mariachi (S Building)	9	40	44	13	33	44
Hoang Thien Y (N Building)	1	3	4	1	3	4
Quarac (N Building)	1	3	5	1	4	5
El Campestre (N Building)	10	7	49	15	37	49
Total parking requirement for indicated hours	21	101	141	30	125	129
Bicycle Rack Reduction			9			
Total Parking Requirement w/shared parking agreement			132			

The three parking areas for the site provides 62 real parking spaces and it has been determined that the site has 12 grandfather rights, therefore, in order for the applicant to establish a reception hall, a variance to reduce the overall parking requirement from 132 to 74 is required. The site is deficient a total of 58 parking spaces.

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Final Parking Analysis:

Real Parking Spaces Provided	62
Grandfather Rights	12
Total Parking Spaces Provided including grandfather rights	74
Total Parking Requirement w/shared parking agreement	132
Total Parking Spaces Provided including grandfather rights	74
Parking Spaces Deficient	58

Proposal: Luis Caire on behalf of Isidro Perez and El Campestre Reception Hall Inc. is applying for conditional use permit to allow for extended hours beyond the district hours and a variance to reduce the overall parking requirement from 132 to 74, where 12 spaces are grandfathered and bicycle racks capable of holding 36 bicycles will be installed in lieu of 9 spaces; to establish a reception hall in an existing shopping center located at 2728 Nicollet Ave S. The proposed reception hall will be located within the north building of the shopping center. Permitted hours of operation in the C2 Neighborhood Corridor Commercial Districts are from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and from 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant has proposed to be open from 6 a.m. to 10:00 p.m. Sunday through Thursday and from 6:00 a.m. to 1:00 a.m. Friday and Saturday. The hours open to the public for uses licensed that sell alcoholic beverages may be increased, depending on the license for liquor, wine or beer or any special late hours entertainment license approved for the facility. However, the reception hall does not have a license to sell alcoholic beverages or a late hours entertainment license. Therefore, the applicant has applied for a conditional use permit to allow for hours open to the public beyond those permitted by the zoning code and licensing.

Correspondence: The Ward 6 City Council member and the Whittier Alliance Neighborhood Organization were both notified of the proposal under consideration by the commission. Staff has received letters from the Whittier Alliance Neighborhood Organization and they are attached to this report. The neighborhood organization moved to grant approval of a parking variance up to 30 spaces and supports the Conditional Use Permit for extended hours to 1:00 am Friday and Saturday nights conditioned upon El Campestre providing a minimum of two security personnel at all events at which liquor is served, and /or all events that last past 11:00 pm and that security be in place for the duration of the event. The neighborhood feels that Mr. Perez has built a good business on the site and would like to see him grow however they also feel that valet parking and/or additional contract parking should be in place before the reception hall is approved. Staff will forward further correspondence, if received, to the commission prior to or at the meeting.

In addition, Inspector Kristine Arneson from the Fifth Precinct commented on October 15, 2008 that the only concern would be parking, which she indicated is an issue in the area in general. She also indicated that large late night gatherings could potentially be a noise issue however the area isn't mainly residential. In addition, she indicated that late hours were supported by the Whittier Alliance in order to bring activity in the area later at night and to funnel more activity to Nicollet.

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CONDITIONAL USE PERMIT (to allow extended hours)

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. May be detrimental to or endanger the public health, safety, comfort or general welfare.

The applicant believes that the hours imposed by the ordinance are out of sync with the current uses found on “Eat Street” and also argues that there are easily seven acres of establishments which stay open until 1:00 am or 2:00 am due to their restaurant liquor licenses. The applicant believes that the district permitted hours are out of sync with the general culture of “hipness for the young middle class” that frequent “Eat Street” and wish to enjoy themselves after a long week at work in a multicultural commercial district. Also, the applicant indicates that the use proposed by El Campestre Reception Hall which is available to all diverse groups fits like a shoe within the culture created by “Eat Street” and also brings more commercial activity to the south end.

The permitted hours of operation in the C2 District are from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to be open until 10:00 p.m. Sunday through Thursday and open until 1:00 a.m. Friday and Saturday. Although the subject property is located on a Commercial Corridor and near the 26th and Nicollet Activity Center, it is also located directly across the alley from a residential use. Although the neighborhood organization is in support of the CUP for extended hours, staff believes that allowing late night hours may directly affect the comfort and general welfare of those that live nearby.

2. May be injurious to the use and enjoyment of other property in the vicinity and may impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

According to the applicant, the property owner Mr. Isidro Perez has invested a significant amount in renovating this small shopping center to make it commercially attractive. In addition, the applicant believes that a reception hall at this site will not disturb the residential areas to the west. The applicant indicates that the El Mariachi Restaurant located on the west side (south building) of the shopping center is open until 1:00 a.m. due to an approved on sale liquor license and has not received complaints from nearby residents. In addition, the applicant indicates the El Campestre Reception Hall if approved will be well managed.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

- a) Proximity to permitted or conditional residential uses. The nearest residential uses are located to the west directly across the alley from the site; otherwise, the use is bordered by commercial uses along Nicollet Avenue. In addition, one of the facilities parking lots located at 2741 Blaisdell Ave S provides part of the required parking for the site; this lot is located

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adjacent to a residential use and staff is concerned that this may cause additional noise and traffic from vehicles and people traveling to and from the site before and after events

b) Nature of the business and its impacts of noise, light and traffic.

The business is a reception hall; one which does not have a license to sell liquor or have late night entertainment. However one parking lot that is used by the facility is adjacent to a residential use and the main parking lot is directly across the alley from that same residential use. In addition, the parking lot at 2741 Blaisdell has its only access from the alley. With the proposed late night hours, vehicle and foot traffic in the alley may have a negative impact on the neighboring uses.

c) Conformance of use. A reception hall is a permitted use in the C2 zone however it does have a higher parking requirement than a retail sales and service use. Although the site received site plan review approval in 2003, the parking requirement is now higher based on the information provided by the applicant regarding the uses in both buildings including an additional restaurant in addition to the proposed reception hall located in the north building. The applicant is applying for a parking variance as part of this application to comply with the overall parking requirement. If the conditional use permit for extended hours is approved, the parking variance must also be approved or the use will not be in compliance with the zoning code requirements.

d) Complaints received. There doesn't appear to be any recent complaints regarding either building at the subject location.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

Roads and utilities are existing and adequate. The site has an approved site plan that addresses these issues.

4. Adequate measures have not been provided to minimize traffic congestion in the public streets.

The applicant is applying for a parking variance to reduce the parking requirement from 132 to 74 in order to comply with the zoning code parking requirements for the site. The applicant has also submitted a shared parking agreement and has indicated as part of that agreement that bicycle racks will be installed on site to accommodate at least 36 bicycles. Considering the shared parking agreement, bicycle parking spaces, and the three parking lots combined providing a total of 62 real spaces and 12 nonconforming credits (grandfather rights), the site remains short 58 parking spaces based on the uses as proposed. Although the applicant through previous approvals has legally established additional parking for the site at 2741 Blaisdell Ave S, the additional parking that has been provided is not sufficient for the proposal of an additional higher occupancy use such as the proposed reception hall. The applicant is encouraged to locate additional parking within 800 feet of the site to help mitigate congestion and provide sufficient parking to establish the reception hall as

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proposed. Staff is concerned that adding a reception hall to the property may significantly increase congestion of nearby public streets.

5. The conditional use is not consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan shows this part of Nicollet as a commercial corridor. The plan states the following about uses on commercial corridors: “The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings.

While the use of the shopping center is existing; staff believes that the use of a reception hall at his site as proposed will likely impact noise caused by vehicle traffic and people walking to the site from vehicles parked at the 2741 Blaisdell Ave S lot before and after events. The potential impact on the residential uses to the west until 1:00 a.m. Friday and Saturday is not in conformance with this language of the plan.

The plan has the following relevant policies and implementation steps for commercial corridors and commercial areas:

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Implementation Steps

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Ensure that parking structures and surface lots conform with identified design principles.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps

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Provide for a range of commercial districts that provide the services required by the residents and businesses.

Plan, implement and monitor projects and programs that encourage and support the city's neighborhood commercial areas.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Encourage coordination and communication between business associations and neighboring residents groups.

6. And, may not in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

It is unclear at this time if the site is in conformance with the City's sign regulations however it does appear that the improvements required as part of the 2003 site plan review approval were finished. Although signs are not part of this application review, the applicant submitted information indicating that there are 14 signs including one freestanding sign on the subject property. Per Table 543-2 of the Minneapolis Zoning Code, the maximum sign area guaranteed for a ground floor nonresidential use that comprises a portion of the building wall is 30 square feet. Signs attached to the building are allotted 1 square feet of signage per 1 foot of primary building wall because a free standing sign exists on the property. Wall signs shall never exceed 180 square feet in area and shall not be more than 24 feet in height above grade. Freestanding signs are limited to one square feet of signage per 1 foot of frontage toward which the sign is oriented. A freestanding sign shall not exceed 80 square feet in area and there is a limit of 1 per zoning lot. Also, a freestanding sign shall not exceed 25 feet in height above grade. There are two buildings that comprise the subject location; the south building has approximately 225 feet of primary building wall along 28th Street S, 145 feet of primary building wall along Nicollet Ave S, and 190 feet of primary building wall facing the parking lot in between the north and south building. The north building has approximately 140 feet of frontage along the parking area between the north and south building and approximately 60 feet of frontage along Nicollet Ave S. The applicant is advised to work with the Planning Department for a review of all existing and proposed signage at the site.

In addition, the applicant is also applying for a parking variance to reduce the overall parking requirement for the site as part of this review. If the parking variance is denied, the reception hall will not be able to locate in the site without locating additional parking within 800 feet of the site.

In addition, on September 26, Council Member Schiff moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, for first reading and referral to the Zoning & Planning Committee (adding a new Chapter 586 providing for a moratorium on the establishment, re-establishment or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning district). Because this interim ordinance was introduced after this applicant submitted a complete application, the establishment of the reception hall will not be restricted by the moratorium however, staff believes that approving a conditional use permit for extended hours and a parking variance of 58 spaces could negatively affect the integrity of the planning process or the purposes for which the interim ordinance was enacted.

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Staff believes that a possible appropriate solution would be for the applicant to propose hours that are allowed within the district, minimize the seating area of the proposed reception hall to reduce the overall parking requirement, assess the vacant tenant spaces within the building to calculate an accurate parking requirement, and if possible work to establish a long term shared parking agreement for the deficient spaces within 800 feet of the site. Parking required for reception halls can be located 300 feet from the site and because the site is located in a Pedestrian Oriented Overlay district, required parking can be located an additional 500 feet from the site which in this case totals 800 feet.

VARIANCE (to reduce overall parking requirement)

Findings as Required by the Minneapolis Zoning Code:

- 1. The property can be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance and will not be caused undue hardship.**

According to the applicant, the property cannot be put to a reasonable use because it is land locked and the Nicollet/Franklin Pedestrian Overlay District in this area does not provide provisions to reduce parking as provided by other parking overlay districts and that applying the official controls creates an undue hardship. The applicant indicates that the only way to accommodate parking is to tear down one of the buildings but this is not feasible because the owner has invested over one million dollars renovating and improving the buildings.

Although a reception hall is a permitted use in the C2 zone, it has a higher parking requirement than other retail sales and service uses. The two buildings combined currently are occupied by three restaurants in addition to other retail sales and service uses. Staff believes that the building owner is allowed to reasonably use the property with the current mix of uses and the available parking that exists. Staff does not believe that adding an additional use with a higher parking requirement without providing the parking is reasonable. The applicant is encouraged to either reduce the seating area within the reception hall and other restaurant uses and/or to locate additional parking offsite to fulfill this requirement. As mentioned previously in this report, the parking requirement can be fulfilled with parking located within 800 feet of the subject site per section 554.140 of the Minneapolis Zoning Code.

- 2. The circumstances are unique to the parcel of land for which the variance is sought however they may have been created by any the applicant.**

The applicant indicates that the circumstances are unique because the building is within a Pedestrian Oriented Overlay District. However, the zoning ordinance does not currently have a lower parking requirement for Pedestrian Oriented Overlay Districts except for those near transit station areas in other parts of the city. And, that the building owner in past applications added the TP Overlay to a residentially zoned parcel to the west and converted it to a parking lot that serves the existing shopping center and the City of Minneapolis Fire Department.

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Although this is a unique situation and the applicant has demonstrated that they have continuously worked to mitigate parking issues, staff believes that the applicant is creating this hardship due to the multiple higher occupancy uses already existing within the two buildings in addition to the proposed reception hall. In addition, the building was constructed after the City initiated parking requirements in the zoning code and has as determined by previous applications in 2003 sufficient parking for the uses existing in the building. Staff believes that although the circumstances seem unique, this situation is being created by the applicant.

3. The granting of the variance will not be in keeping with the spirit and intent of the ordinance and could alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

The applicant indicates that the use and parking variance is consistent with the Eat Street culture and not injurious to any use or property in the vicinity. The applicant also indicates that the use has been recommended for approval by the Whittier Alliance Association and the Whittier Business Association however the information that has been provided to date is different than what was originally provided. Originally, the floor plans that were provided for the north building did not include accurate seating area square footage calculations for the restaurants and one of the restaurants was left off the plan entirely although it is not thought that this was done intentionally. Because of this, the parking requirement is larger than what was originally calculated. The Whittier Alliance Association has sent a letter in support of the variance to 30 spaces only.

In addition, on September 26, Council Member Schiff moved to introduce the subject matter of an ordinance amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances*, for first reading and referral to the Zoning & Planning Committee (adding a new Chapter 586 providing for a moratorium on the establishment, re-establishment or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning district). Because this interim ordinance was introduced after the applicant submitted a complete application for this reception hall, the establishment of the reception hall will not be restricted however, staff believes that approving a conditional use permit for extended hours and a parking variance of 58 spaces could negatively affect the integrity of the planning process or the purposes for which the interim ordinance was enacted.

Staff believes as previously mentioned, that a possible appropriate solution would be for the applicant to propose hours that are allowed within the district, minimize the seating area of the proposed reception hall to reduce the overall parking requirement, assess the vacant tenant spaces within the building to calculate an accurate parking requirement, and work to establish a long term parking shared parking agreement for the deficient spaces within 800 feet of the site. Parking required for reception halls can be located 300 feet from the site and because the site is located in a Pedestrian Oriented Overlay district, required parking can be located an additional 500 feet from the site which in this case totals 800 feet. In addition, it is encouraged that the applicant continues to assess the uses within the buildings and account for vacancies. For example, new information suggests that the Quarac restaurant located in the north building is possibly vacant; if this is the case, and the applicant wishes to continue to lease this space to a restaurant, the parking requirement will remain the same or could change slightly based on customer area. If however, the applicant wishes

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to convert this space previously occupied by the restaurant to a retail sales and service use, the overall parking requirement would most likely decrease.

- 4. The proposed variance could 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.**

The variance is being requested to reduce the overall parking requirement from 132 to 74. The applicant indicates that the existing shopping center has 9 businesses and out of the 9, 4 close at 8:00 p.m., 3 close at 9:00 p.m., and two will close at 12:00 a.m. The applicant believes that because only the existing restaurant (El Mariachi) and the proposed reception hall will be open after 9:00 p.m., bicycle parking will be provided to accommodate 36 bikes, and that security will be present on the reception hall rental dates, that the proposed use will not create a danger of fire or other public safety issues.

Although the applicant has submitted a shared parking agreement and is providing bicycle parking to help mitigate congestion on public streets, the variance requested is substantial and staff believes that allowing the variance to reduce the parking requirement by 58 spaces will substantially increase the congestion on the public streets and will likely impact the residential uses to the west due to the location of the required parking located at 2741 Blaisdell Ave S.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit to extend the hours of a reception hall until 1:00 a.m. Friday and Saturday at 2728 Nicollet Ave S.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to reduce the parking requirement from 132 to 74 for a reception hall at 2728 Nicollet Ave S.

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Attachments:

1. Statements from applicant and findings
2. Copies of e-mail correspondence from the applicant to CM Lilligren and the neighborhood organizations
3. Copy of a letter from Whittier Alliance Neighborhood Organization
4. Copy of email from Luis Claire requesting continuance
5. Other correspondence
6. Zoning maps
7. Site plans and floor plans
8. Fire Department Lease Agreement for 2741 Blaisdell Ave S parking lot
9. Shared Parking Agreement Table
10. Photos
11. Additional information submitted regarding 2835 Nicollet Ave S and 2834 1st Ave S