

BOARD OF ZONING APPEALS STAFF REPORT

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TYPE OF APPLICATION: Major Variance **FILE #**13-162436

APPLICANT: LUIS MOTA

HEARING DATE: April 1, 2013

LOCATION: 2081 FORD PARKWAY

LEGAL DESCRIPTION: Saint Catherine Park Lots 24 & 25 Blk 9 & That Part Of Lot 23 Blk 9 Lying Ely Of A L Desc As Com At The Se Cor Of Lot 25 Th S 89 Deg 32 Min 29 Sec W On An Assumed Bearing Along The S Lines Of Lots 23,24 & 25 97.91 Ft To The Pt Of Beg Of The L To Be Desc;

PLANNING DISTRICT: 15

PRESENT ZONING: T2 **ZONING CODE REFERENCE:** 66.331

REPORT DATE: March 19, 2013 **BY:** Yaya Diatta

DEADLINE FOR ACTION: May 9, 2013 **DATE RECEIVED:** March 11, 2013

A. **PURPOSE:** The applicant is requesting a variance of the minimum floor area ratio (FAR) in order to construct a new building for Qdoba Mexican Grill Restaurant in the T2 Traditional Neighborhood zoning district. This zoning district requires that a one-story building occupy at least 30% of the lot area and the applicant is proposing a one-story building that would occupy 21% of the lot area for a variance of 9%.

B. **SITE AND AREA CONDITIONS:** This is a 12,285 square foot vacant lot where a new Qdoba Mexican Grill Restaurant is being proposed. The restaurant would have outdoor seating and 16 off-street surface parking spaces accessed from the street. A fence is existing along the alley on the north side of the lot.

Surrounding Land Use: Various commercial uses.

C. **BACKGROUND:**

Qdoba Mexican Grill is a chain of restaurants in the United States and Canada serving Mexican-style cuisine. The first restaurant opened in 1995 in Denver, Colorado and over 600 restaurants are currently being operated throughout the United States.

Qdoba has a varied menu and a service that allows customers to order by selecting an entrée, then choosing its ingredients. All of the items are made in plain view of the customer. Because the proposed building would be smaller than the minimum sized building required in the T2 zoning district, the proposed Qdoba restaurant cannot be constructed without a variance of the Floor Area Ratio (FAR).

C. CODE CITATION:

Sec.66.331. Traditional Neighborhood District Dimensional Standards requires that the minimum size of the building shall have a FAR of .3 or 30 percent of the lot area.

D. FINDINGS:

1. *The variance is in harmony with the general purposes and intent of the zoning code.*

This finding is not met. The applicant is planning a new development that includes the construction of a new restaurant with outdoor seating, two bike racks and 16 surface parking spaces accessible from the street.

The intent of the T2 district is to foster and support compact, pedestrian-oriented commercial and residential development that, in turn, can support and increase transit usage. The outdoor patio on the south side along the public sidewalk creates a connection between the building and the streetscape, allowing easy pedestrian access to the site consistent with the intent of the T2 district to foster pedestrian-oriented commercial uses. This is the type of development encouraged in the T2 district due to the availability of transit on Ford Parkway and on Cleveland Avenue.

Conversely, this property was rezoned (Council File #11-24) from a B2 business zoning district to a T2 traditional neighborhood zoning district on May 21, 2011, as part of the Highland Village Zoning Study. Although the B2 zoning district would have allowed the proposed building without a variance, the T2 district has a minimum FAR requirement. As property is redeveloped in this area, new buildings must meet the current standards and over time, the structures will eventually be brought into conformance with the T2 standards. This request is not in keeping with the purposes and intent of the T2 district.

2. *The variance is consistent with the comprehensive plan.*

This finding is met. According to the applicant, with the development of this vacant parcel for a new restaurant, about 25 to 30 new jobs would be created. It would bring a diversity of restaurant choices and add vibrancy to Highland Village Business Corridor. The Economic Strategy of the Comprehensive Plan recognizes that for a city to be sustainable economically there must be wealth enhancement and

employment. It states that achieving these objectives, however, lies largely outside the influence of government and that businesses create jobs. The City's role is to create a climate conducive to economic self-sufficiency and growth by fostering economic development activities and attracting businesses to Saint Paul. If the requested variance is approved, it would allow a new business in the area in keeping with this goal of the Comprehensive Plan to attract businesses to Saint Paul.

- 3. The applicant has established that there are practical difficulties in complying with the provision, that the property owner proposes to use the property in a reasonable manner not permitted by the provision. Economic considerations alone do not constitute practical difficulties.*

This finding is not met. According to the applicant, Qdoba has many restaurants with various footprints and designs. However, the business has come to find out that buildings that are between 2,500 to 2,540 square feet in size facilitate optimum employee and customer interaction, an important element that has been part of their business operation for many years. The proposed relatively small building footprint would be carefully designed to foster employee and customer interaction and maintain this human relations element that has been a major part of the business operation and proven to be a success for the business for many years. The applicant is concerned that a building with a larger footprint would cause customers to be too spread out and negatively affect the warm and friendly environment he is trying to preserve with the proposed building. However, a larger building would not necessarily mean additional customer area; additional floor space could be used for storage or kitchen space for Qdoba or could be rental space for another business.

- 4. The plight of the landowner is due to circumstances unique to the property not created by the landowner.*

This finding is not met. The applicant is proposing 16 off-street parking spaces which represent 10 parking spaces over the required 6 parking spaces on this site. Therefore, there is an option to construct a larger building by reducing the parking.

- 5. The variance will not permit any use that is not allowed in the zoning district where the affected land is located.*

This finding is met. A restaurant is a use permitted in this zoning district. The requested variance if granted will not change the zoning classification of the property.

- 6. The variance will not alter the essential character of the surrounding area.*

This finding is met. The proposed restaurant is located in the Highland Village Business Corridor, a commercial district with various uses including retail service establishments and restaurants. It would be designed to keep with and enhance the

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existing streetscape and pedestrian-friendly character of the neighborhood; it will not alter the character of the area.

- E. **DISTRICT COUNCIL RECOMMENDATION:** Staff received a letter from District 15 recommending approval of the requested variance.
- F. **CORRESPONDENCE:** Staff has not received additional correspondence.
- G. **STAFF RECOMMENDATION:** Based on findings 1, 3 and 4, staff recommends denial of the variance.

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