

**Department of Community Planning and Economic Development - Planning Division**  
Waiver From Moratorium Application  
BZZ - 4307

**Date:** January 29, 2008

**Applicant:** Cedar and Lake Revival: 612-718-0476

**Address of Property:** 1901 E Lake Street, 3009-3011 19<sup>th</sup> Avenue S

**Contact Person and Phone:** Hamoudi Sabri: 612-722-4000

**Planning Staff and Phone:** Kimberly Holien: 612-673-2402

**Date Application Deemed Complete:** January 15, 2009

**End of 60 Day Decision Period:** March 16, 2009

**Ward:** 9      **Neighborhood Organization:** Corcoran Neighborhood Association

**Existing Zoning:** C1 Neighborhood Commercial District and R2B-Two Family District, PO Pedestrian Oriented Overlay District

**Reason For Waiver:**

To allow for the construction of a principal parking facility at 1901 E Lake Street and 3009-3011 19<sup>th</sup> Avenue, within the boundaries of the moratorium on the establishment, reestablishment and expansion of principal parking facilities.

**Background:**

The City Council has approved a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bound by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31<sup>st</sup> Street East to the south and Hiawatha Avenue to the east. The area including in entirety the above referenced parcels are declared to be an interim zoning study area with respect to the establishment, reestablishment or expansion of principal parking facilities. The interim ordinance (Chapter 585) was introduced at the September 26, 2008 City Council Meeting, referred to the Z & P Committee Meeting for a public hearing held on October 30, 2008 and forwarded to the November 7, 2008 City Council Meeting for final approval.

**Property Information:**

The subject site includes three parcels at the addresses of 1901 E Lake Street, 3009 19<sup>th</sup> Avenue S and 3011 19<sup>th</sup> Avenue S. All three parcels are currently vacant. The property at 1901 E Lake Street is zoned C1 and the properties at 3009 and 3011 19<sup>th</sup> Avenue S are zoned R2B. The Pedestrian Oriented (PO) overlay district is also applied to all three parcels. The parcel at 1901 E Lake Street formally contained a gas station that was established in 1970. A wrecking permit was approved and the structure was demolished in 2005. Prior to the gas station use, the site contained a commercial store and green house, which were demolished in 1969.

The properties at 3009 and 3011 19<sup>th</sup> Avenue S were historically platted as one lot that contained two structures. One structure, a duplex, was demolished in 1982 after receiving fire damage. A wrecking permit was issued for the other structure, a single family dwelling, in 2004. The demolition of this structure was deemed complete in 2005.

**Project History:**

The applicant is currently pursuing land use approvals for multi-tenant buildings at 1822 and 1825 E Lake Street, known as City Market. To date, the applicant has not been able to secure the required number of off-street parking stalls necessary for the revised project. As a result, the subject moratorium waiver application has been submitted to allow for the construction of a principal parking facility off-site, to provide required parking for the City Market project. However, the site has previous land use approvals for a project with a floor plan that complies with the minimum parking requirement.

Under the most recent tenant scenario proposed by the applicant for City Market, and considering the recent revisions to the City’s off-street parking regulations, the site would be deficient by 26 parking stalls. An application, though incomplete, has also been submitted to construct 14 parking stalls on the vacant parcel at 3017 Cedar Avenue.

**Proposal:**

The applicant is applying for a waiver of the restrictions of the moratorium on principal parking facilities to allow for the construction of a principal parking facility consisting of 50 parking stalls, including two ADA accessible spaces. Ten of spaces are compact spaces, equivalent to 20 percent of the total parking. Access to the parking facility is proposed on the west side of the site, off of 19<sup>th</sup> Avenue S, and on the north side of the property, off of E. Lake Street. Both access drives are 22 feet in width.

According to the site plan submitted, the following additional applications would be required in the event that a waiver from the moratorium is approved:

- Rezone the parcels at 3009 and 3011 19<sup>th</sup> Avenue S from R2B to C1
- A Conditional Use Permit for a principal parking facility

Under the current split-zoning situation, the more restrictive provisions of the two zoning districts would apply. In this case, the more restrictive district is the R2B District, which does not allow principal parking facilities. Additional variances may also be necessary.

**Neighborhood Review:**

The applicant notified the Corcoran Neighborhood Association and Ward 9 Council Member Gary Schiff on January 15, 2009. Correspondence from the neighborhood, if received, will be forwarded to the Committee.

**Hardship:**

In a narrative submitted by the applicant, it is stated that a hardship is present due to the fact that, “denial of the waiver would prohibit the development of adjacent businesses and properties that the developer has an interest in where the lack of available off-street parking is the only issue preventing the development of this area.” The applicant also states that the area is particularly suited for development as a parking lot. The applicant’s statement of hardship also addresses the

impact on the surrounding area by stating, “It would have no significant impact to the existing character of the surrounding area and the waiver would not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.”

**Findings:**

Section 529.50 of the Minneapolis Code states that, “a waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purpose for which the interim ordinance is enacted.” Based on the information submitted, staff does not find that a substantial hardship is caused by the restrictions of the ordinance. The subject property can be put to reasonable use under the C1 and R2B zoning regulations, regardless of the interim ordinance. A variety of commercial uses and a limited number of residential uses would be allowed on the site without the need for a waiver. The properties of 1822 and 1825 Lake Street may also be put to reasonable use without the proposed parking facility. As stated above, City Market has prior approvals for a project with a floor plan that meets the minimum parking requirements. Furthermore, staff finds that allowing the proposed use would be in conflict with the purpose for which the interim ordinance was enacted.

**Interference with the purposes of the moratorium:**

The city council is concerned that the pedestrian-oriented character of the subject area may be compromised by the establishment or expansion of principal parking facilities and surface parking. The city council is concerned that converting parcels with existing structures to principal parking facilities could substantially alter the character and livability of the study area. The city council is interested in protecting the livability of the study area by examining potential regulatory changes to preserve the pedestrian-oriented character of the study area.

The concern for the pedestrian-oriented character of the site is emphasized by the fact that the site is located within the Pedestrian Oriented overlay district. Specifically, the subject site is located within the Lake Street/Midtown TSA Pedestrian Oriented overlay district. The purpose of the PO overlay is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses. The construction of a principal parking facility in this location would not be consistent with the intent of the Pedestrian Oriented overlay, and would conflict with the purpose of the moratorium. While the dimensional standards of the PO apply to accessory parking facilities only, one of the performance standards states that parking lots shall be limited to not more than 60 feet of street frontage. The proposed parking facility would have approximately 134 feet of street frontage along 19<sup>th</sup> Avenue S and 124 feet of frontage along Lake Street. A principal parking facility of this size fronting along two public streets does not support the pedestrian-oriented character of the area.

According to the Hiawatha/Lake Station Area Master Plan, the preferred use of the site is mixed-use. The *Minneapolis Plan* and the *Minneapolis Plan for Sustainable Growth* also designates the site for mixed-use on the future land use plan. This portion of Lake Street is a commercial corridor. Cedar Avenue, two blocks west of the site, is a designated community corridor. One of the supporting policies for commercial corridors states, “Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.”

Again, the construction of a principal parking facility in this location would diminish the pedestrian character of the commercial corridor.

As stated above, the site is located within the boundary of the Lake Street/Midtown Transit Station area (TSA). The Minneapolis Plan for Sustainable Growth has several policies for transit station areas, of which the following are applicable to the request:

**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.

1.13.3 Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.

A principal parking facility in this location would not provide an active, high-density, pedestrian-oriented use as is recommended for such areas in the comprehensive plan. Furthermore, a principal parking facility would be in direct conflict with 1.13.3 above, discouraging surface parking lots in transit station areas. The proposed facility may conflict with the purpose of the moratorium.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Council adopt the above findings and **deny** the waiver application to allow for the construction of a new principal parking facility located at 1901 E. Lake Street and 1009-11 19<sup>th</sup> Avenue S., within the boundaries of the moratorium on the establishment, reestablishment and expansion of principal parking facilities.

**Attachments:**

1. Statement of proposed use and findings
2. Copy of letters sent to the Ward 9 City Council office and the Corcoran Neighborhood Organization
3. Site Plan and landscape plan
4. Zoning map
5. Photos