



Request for City Council Committee Action from the Department of Community Planning and Economic Development – Planning Division

Date: July 23, 2009

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Moratorium Waiver - Waiver request from the 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, 31st Street East to the south and Hiawatha Avenue to the east, in order to file the necessary land use applications to construct a new principal parking facility on the property at 1805 E Lake Street.

Recommendation: Denial

Ward: 9

Prepared by: Kimberly Holien, City Planner, 612-673-2402

Approved by: Jason Wittenberg, Planning Supervisor

Presenters in Committee: Kimberly Holien, City Planner

Community Impact

- Neighborhood Notification: Notice of the Z & P Committee Hearing was sent July 13, 2009. The Applicant notified the Powderhorn Park Neighborhood Association on June 15, 2009. Correspondence from the neighborhood, if received, will be forwarded to the committee.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60-day decision period: September 6, 2009
- End of 120-day decision period: November 5, 2009
- Other: Not applicable

Supporting Information: Staff report and attachments

Department of Community Planning and Economic Development - Planning Division
Waiver From Moratorium Application
BZZ - 4459

Date: July 23, 2009

Applicant: Lake Cedar, LLC

Address of Property: 1805 E Lake Street

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

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

Date Application Deemed Complete: July 8, 2009

End of 60 Day Decision Period: September 6, 2009

Ward: 9 **Neighborhood Organization:** Powderhorn Park Neighborhood Association

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

Reason For Waiver:

To allow for the construction of a principal parking facility at 1805 E Lake Street, 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, 31st Street East to the south and Hiawatha Avenue to the east. The area including in entirety the above referenced parcel is 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 the parcel at 1805 E Lake Street. The property is 6,255 square feet in area and contains an automobile sales lot with an existing building and storage shed. The applicant has indicated that the intent is to remove all existing structures to allow for the construction of a surface parking lot.

The narrative submitted by the applicant states that the surface parking lot would be used to provide additional parking for the shopping center at 1825 E Lake Street. The Planning Commission approved applications to allow for a shopping center at 1825 E Lake Street on April 20, 2009. One of those applications included applying the TP Overlay to the property at 3017

Cedar Ave S to provide off-street parking in that location. The shopping center at 1825 E Lake Street satisfied the minimum off-street parking requirement after a reduction for being located in a Transit Station Area and nonconforming rights. While no additional parking is required for the uses within this shopping center, the applicant has stated that providing additional off-street parking at 1805 E Lake Street would reduce parking congestion in the area.

The letter to the Council office and Powderhorn Park Neighborhood Association also states that the proposed parking lot may be used to provide off-site parking for the shopping center at 1822 E Lake Street. The Planning Commission approved a conditional use permit for a shopping center at 1822 E Lake Street on March 2, 2009. This property satisfied the minimum off-street parking requirement after a reduction for being located in a Transit Station Area and nonconforming rights.

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 19 parking stalls. The stalls are accessed by a drive aisle, 22 feet in width, extending west into the site from 18th Avenue S. According to the site plan submitted, the following additional applications would be required in the event that a waiver from the moratorium is approved:

- A Conditional Use Permit for a principal parking facility

Additional variances may also be necessary. A landscaping plan has been submitted which shows plantings primarily around the perimeter of the site. All proposed parking spaces are within 50 feet of an on-site canopy tree.

Neighborhood Review:

The applicant notified the Powderhorn Park Neighborhood Association and Ward 9 Council Member Gary Schiff on June 15, 2009. The adjacent East Phillips Improvement Coalition was also notified on July 9, 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.”

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 C2 zoning regulations, regardless of the interim ordinance. The C2 District allows for

a wide range of commercial and residential uses without the need for a waiver. The property of 1825 Lake Street may also be put to reasonable use without the proposed parking facility. 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 75 feet of street frontage along 18th Avenue S, in addition to the frontage on 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, one block east 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 1805 E Lake Street, 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. Zoning Map
3. Copy of letters sent to the Ward 9 City Council office and the Powderhorn Park Neighborhood Organization
4. Site Plan
5. Photos