

Department of Community Planning and Economic Development – Planning Division
Zoning Amendment (Rezoning), Variance
BZZ-3484

Date: April 23, 2007

Applicant: Greg Spaulding

Address of Property: 3000 and 3010 West River Parkway

Project Name: 3000 and 3010 West River Parkway

Contact Person and Phone: Greg Spaulding, (763) 213-5835

Planning Staff and Phone: Tara Beard, (612) 673-2351

Date Application Deemed Complete: March 26, 2007

End of 60-Day Decision Period: May 25, 2007

End of 120-Day Decision Period: The applicant was sent a letter on April 11, 2007 extending the decision period to July 24, 2007.

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R6, Multi-family District (3000 West River Parkway), R1A Single-family District (3010 West River Parkway)

Proposed Zoning: R6, Multi-family District (3010 West River Parkway)

Zoning Plate Number: 28

Legal Description of Property Proposed for Rezoning: The land referred to is situated in the State of Minnesota, County of Hennepin, and is described as follows:

Wass Addition to Minneapolis, Lot 013, Block 001, including adjacent half of Alley Vacation

Lot area: 24,089 square feet (3000 West River Parkway) and 5,837 square feet (3010 West River Parkway)

Proposed Use: To allow 5 additional accessory parking spaces for the multi-family building at 3000 West River Parkway on the property at 3010 West River Parkway.

Concurrent Review:

- Rezone the property at 3010 West River Parkway S from R1A to R6
- Variance to reduce the drive aisle width from 22 feet to 7 feet

Applicable zoning code provisions: Chapter 525: Article VI Zoning Amendments; Article IX Variances

Background: Greg Spaulding has submitted two land use applications to allow the continued use of 5 parking spaces at 3010 West River Parkway for residents of the adjacent apartment building at 3000 West River Parkway. 3000 West River Parkway is located in an R6 zoning district, and parking for uses on R6 Districts cannot be located on property zoned R1A. A zoning district of at least R3 is required to allow parking for uses located in an R6 District. The applicant is seeking R6 zoning for 3010 West River Parkway to not only to allow the accessory parking but to create one zoning lot for both parcels. This allows the subject parking to be located on the adjacent parcel without a conditional use permit. The additional 5 spaces proposed at 3010 West River Pkwy would allow the property owner to provide one off-street parking space for each of the 36 dwelling units located at 3000 West River Pkwy.

The existing bituminous on 3010 West River Pkwy only provides 7 feet of maneuvering space for the parking spaces. A variance is needed as 22 feet of maneuvering space is required. The spaces are adjacent to an alley behind the site where it is proposed the additional maneuvering would occur.

Similar applications were submitted and heard by the Planning Commission in 2005 for the same purpose: to bring the existing parking at 3010 West River Pkwy into compliance with the zoning code. The current applicant (the ownership is the same but the applicant representative has changed) is proposing to make some changes to the property to eliminate the need for additional variances, including the reduction of a fence height and the removing of some bituminous to provide the required interior side yard setback along the south property line.

On April 25, 2005 the Planning Commission, notwithstanding staff recommendation, denied the original applications to allow parking on the subject site. The City Council denied the rezoning request and denied the applicant's appeal of the Planning Commission's decision on May 27, 2005, base on the following finding:

1. The parking area would be detrimental to public health, safety, comfort, general welfare; and would be injurious to the use and enjoyment of other property in this vicinity.

After spending time exploring other alternatives, the applicant has applied for two of the same applications that were denied in 2005.

At the time of the writing of this report staff has not received any written correspondence from area stakeholders.

ZONING AMENDMENT -

Required Findings for a zoning amendment:

1. **Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The Minneapolis Plan identifies Lake St from 36th Ave S east to the Mississippi River as a community corridor. Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. Design and development along these streets is oriented toward the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. While 3010 West River Parkway is not directly on this community corridor, rezoning it to R6 would combine it with 3000 West River Parkway as one zoning lot that has frontage on E Lake St. The applicant maintains that the additional parking spaces that would be allowed by the rezoning would improve the pedestrian experience by reducing the need for on-street parking in the area.

The Minneapolis Plan, Chapter 4.2 states: “Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.” One of the implementation plans for this section of the plan is to “strengthen the residential character of Community Corridors by development appropriate housing types that represent variety and a range of affordability levels.” Rezoning 3010 West River Parkway to R6 to allow off-street parking for all residents of the apartment building at 3000 West River Parkway will provide the required parking for a property that provides rental units in a neighborhood that is more than 81% owner-occupied.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning is in the interest of the property owner and tenants of the building. The applicant maintains that the rezoning would also benefit the neighborhood by reducing the need for on-street parking.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The adjacent lot to the north is the 3000 West River Rd property, which is zoned R6 and would be compatible with the proposed zoning. To the south and southwest is an R1A zoning district that includes several duplexes, single family homes, the Danebo facility, and Minnehaha Academy. To the west of the property is an accessory parking garage in the C1 district that serves the 3000 West Rive Rd apartment building. To the north and northwest of the property is Lake St and a mix of residential and commercial uses in the C1 and R5 districts, including the mixed-use West River Commons development. The R6 district is compatible with these districts and uses as well as the adjacent apartment property which is R6 as well.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

Under its current zoning, the property could be used for the construction of a single family home. The property has been used to provide greenspace for the existing 36-unit apartment building for over 30 years.

- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The recently completed West River Commons development and the reconstruction of Lake St. which is currently underway, have both contributed toward a trend of development in the general area. City policies and such development trends encourage a Lake St corridor that has a mix of uses and medium density housing, with lower-density residential neighborhoods north and south of the corridor.

VARIANCE – Variance to reduce the drive aisle width from 22 to 7 feet.

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.**

The bituminous for the proposed parking is existing and is off an existing public alley. Adding more bituminous to allow for 22 feet of maneuvering space would only create more impervious surface and make the parking even more visible from the property's frontage. Other garages and parking areas on the same block utilize the alley for maneuvering space.

- 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.**

It is unique to have an unimproved single-family lot adjacent to a multi-family building under the same ownership. The single-family lot has been historically used as green space for the inhabitants of the apartment building. The location of the bituminous was determined by the property owner but it is reasonable to allow a public alley to reduce the required amount of maneuvering space for adjacent parking.

- 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.**

With 7 feet of on-site drive aisle width and 14 feet of public alley, vehicles would have 21 feet to maneuver into and out of the proposed parking stalls. The spirit and the intent of the ordinance

would be upheld and the variance would not be injurious to the use or enjoyment of other property in the vicinity.

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.

The drive aisle width variance has been requested to provide off-street parking, which should reduce congestion of the public streets. However, there is an existing curb cut of the front of 3010 West River Rd that leads to an existing single car garage. As required in section 541.230 (1) of the code, the consolidation of curb cuts shall be encouraged, in part to reduce potential traffic congestion. To minimize the impact of the off-street parking on adjacent R1A districts staff recommends that the front curb cut and existing garage be removed as a condition of approval to minimize the impact of the parking use on the adjacent single family home. The proposed parking spaces would not be dangerous or detrimental to the public.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the zoning amendment change from R1A zoning to R6 zoning district:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for a zoning amendment to change 3010 West River Parkway from a R1A to a R6 zoning district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the minimum drive aisle width from 22 to 7 feet at 3010 West River Parkway, subject to the following conditions:

1. The curb cut facing West River Parkway and the existing garage at 3010 West River Parkway will be removed.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Site Plan & Zoning map
5. Photos