



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

Date: June 30, 2010
To: Council Member Gary Schiff, Chair of Zoning and Planning Committee
Referral to: Zoning and Planning Committee
Subject: Referral from the June 28, 2010 City Planning Commission Meeting
Recommendation: See report from the City Planning Commission

Prepared by: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

Approved by: Jason Wittenberg, Supervisor, CPED Planning-Development Services

Presenter in Committee:

5. Providence Place, 2230 38th St E, Jim Voll, Principal Planner, x3887

Community Impact (use any categories that apply)

Other: See staff report(s) from the City Planning Commission

Background/Supporting Information Attached

The attached report summarizes the actions taken at the City Planning Commission meeting held on June 28, 2010. The findings and recommendations are respectfully submitted for the consideration of your Committee.

**REPORT
of the
CITY PLANNING COMMISSION
of the City of Minneapolis**

The Minneapolis City Planning Commission, at its meeting on June 28, 2010 took action to **submit the attached comment** on the following items:

5. Providence Place (BZZ-4808, Ward: 9), 2230 38th St E ([Jim Voll](#)).

A. Rezoning: Application by Senior Care Providence LLC for a rezoning to add the TP Transitional Parking Overlay District for property located at 2230 38th St E.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning to add the TP Transitional Parking Overlay District to property located at 3720 – 23rd Ave S and 2230 – 38th St E.

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permit, and Variances
BZZ-4808

Date: June 28, 2010

Applicant: Senior Care Providence LLC

Address of Property: 2230 – 38th Street East and 3720 – 23rd Avenue South

Project Name: Providence Place accessory parking lot

Contact Person and Phone: Jennifer Meyers – The Waters Senior Living 952-358-5120

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 3, 2010

End of 60 Day Decision Period: August 2, 2010

Date Extension Letter Sent: June 3, 2010

End of 120 Day Decision Period: October 1, 2010

Ward: 9 **Neighborhood Organization:** Standish-Ericsson

Existing Zoning: R4 Multiple-family Residential District and PO Pedestrian Oriented Overlay District.

Proposed Zoning: To add the TP Transitional Parking Overlay District to the existing R4 Multiple-family District and PO Pedestrian Oriented Overlay District.

Zoning Plate Number: 27

Legal Description: Lots 11 and 12, Block 1, MARBLE'S ADDITION TO MINNEAPOLIS, except the East 62 feet thereof, according to the recorded plat thereof, and situate in Hennepin County, Minnesota, except that part thereof taken for Standish Avenue formerly know as 22½ Avenue South.

Proposed Use: A 16-space accessory surface parking lot.

Concurrent Review:

Rezoning: Rezoning to add the TP Transitional Parking Overlay District.

Conditional Use Permit: For a 16-space accessory parking lot.

Variance: Of the TP Transitional Parking Overlay District standards to allow the parking lot frontage on Standish Avenue to exceed 75 feet to 97 feet.

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow the parking lot frontage on Standish Avenue to exceed 60 feet to 97 feet.

CPED Planning Division Report

BZZ-4808

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow the parking lot to be located at the side of the building.

Variance: Of the PO Pedestrian Oriented Overlay District standards to allow a driveway to be wider than 20 feet to 25 feet.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Article VII Conditional Use Permits; Article IX Variances, specifically Section 525.520(20) “To vary the standards of any overly district.”

Background: Senior Care Providence LLC proposes a new 16 space accessory surface parking lot at the northeast corner of Standish Avenue and 38th Street East. The majority of the lot will be built on the southerly parcel addressed as 2230 – 38th Street East, but part of the lot and associated drive will be on the larger parcel that contains the nursing home located at 3720 – 23rd Avenue South (this parcel is a through lot that also fronts on Standish Avenue). The parking lot will provide additional parking for the Providence Place nursing home, to the north, and will also provide shared parking for the adjacent Social Dance Studio, to the east, as allowed by the nursing home. The TP Transitional Parking Overlay District is necessary to allow the dance studio to utilize this lot. The proposed parking lot requires a variance of the frontage length requirement of the TP Overlay District. The area where the parking lot will be constructed currently has PO Pedestrian Oriented Overlay District. The proposed parking lot requires variances of the parking location, frontage length, and driveway width requirements of the PO Overlay District.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

REZONING (to add the TP Transitional Parking Overlay District)

Findings As Required By The Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth designates the intersection of 38th Street and 23rd Avenue South as part of a neighborhood commercial node and as a part of the 38th Street Transit Station Area. East 38th Street is a community corridor. The plan does state that surface parking lots should be discouraged in Transit Station Areas, but it should be noted that this site is on the westernmost boundary of the ½ mile radius from the 38th Street station, which diminishes the impact of the lot on transit oriented development. In addition, it will be providing overflow parking for the nursing home and shared parking for a commercial business, so there will not be an oversupply of surface parking. The plan does not speak directly about surface parking lots on community corridors and neighborhood commercial nodes, but in general promotes pedestrian character and traditional urban design in these areas. The parking lot will be landscaped and screened and will limit street frontage to 60 feet on 38th Street East to comply with these goals.

CPED Planning Division Report
BZZ-4808

The 38th Street Station Area Plan was adopted by the City Council on October 20, 2006. This site is at the westernmost boundary of the study area. It describes this area as the 23rd Avenue node and recommends that the node remain largely for small-scale neighborhood goods and services. Further, it designates the corner of Standish Avenue and 38th Street East as “neighborhood mixed use commercial” (page 37). Policy 11.3 of the plan states that “the City will support the development of creative parking solutions that include shared use...shared parking areas across property lines can also result in more efficient layouts, including reducing the number of drive-aisles and curb cuts.”

The addition of the TP Transitional Parking Overlay District, with the conditions of approval for the parking lot, while not the preferred land use, is in conformance with the above noted goals of the comprehensive plan and the 38th Street Station Area Plan.

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

The rezoning will allow for the provision of needed parking in a commercial node. This is in the public interest.

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.

There are single family homes and R1A zoning to the west, C1 Commercial zoning and commercial uses along 38th Street, and R4 Residential zoning and a nursing home to the north. The TP Transitional Parking Overlay District is compatible with the site and surrounding zoning.

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.

The R4 Multiple-family District allows a range of residential, congregate living, and institutional uses, which would be a reasonable use of the property.

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 38th Street corridor has seen redevelopment along its length in this area since the designation and construction of the 38th Street LRT station and with the recent street improvements. There is a new 77-unit assisted living facility under construction to the east that is associated with Providence Place.

CPED Planning Division Report
BZZ-4808

CONDITIONAL USE PERMIT (for a 16-space accessory parking lot)

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

A 16 space surface parking lot, that provides shared parking, is landscaped and screened per zoning code requirements, and that complies with the staff recommended conditions of approval, should not be detrimental to the surrounding area.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The surrounding area is fully developed. The parking lot will limit frontage to 60 feet on 38th Street, where there is a public sidewalk, will be landscaped per the requirements of the zoning code, and will meet the required setbacks. It is of a relatively small size and will reduce parking congestion in the nearby streets. With conditions of approval the development should not have negative impacts on surrounding properties.

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

Utilities and access are existing and adequate for the site with recommendations in the attached PDR report. A stormwater management plan is required at the final site plan stage before permits may be issued.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The site meets the Fire and Public Works Department's requirements for access and circulation. The site does not exceed the parking maximums of the zoning code. The accessible space is required to meet building code standards.

CPED Planning Division Report
BZZ-4808

5. Is consistent with the applicable policies of the comprehensive plan.

In addition to the policies listed under finding number 1 under the rezoning section of this report, the *Minneapolis Plan for Sustainable Growth* has the following narrative and policies regarding parking lot and landscaping design: “Certain areas of the city generate demand far beyond their immediate boundaries, and need to accommodate significant automobile traffic through the provision of parking facilities. While clearly a necessary element in an urban setting, parking facilities can have serious negative visual effects on their surroundings if not designed carefully. Any parking facility, regardless of whether it is a surface parking lot or a structured parking ramp, should be designed so as to blend in with its surroundings.”

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

10.18.3 Locate parking lots to the rear or interior of the site.

10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

“A well-designed landscape will create and define spaces while softening the built environment. Landscaping provides beauty and visual interest, shade and environmental benefits, as well as screening and buffering of uses. It is important to consider the types of plants and trees and how they will tolerate and impact their surrounding environment. Design and maintenance of the landscaped areas are important factors as well. The following policy and implementation steps provide guidance for landscaped areas in the city.”

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

CPED Planning Division Report

BZZ-4808

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.

The proposed lot, with staff recommended conditions of approval are in conformance with the above noted policies.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The development will conform to the applicable regulations of the R4 Multiple-family District and the TP Transitional Parking Overlay District with the approval of the rezoning, conditional use permit and variances.

The TP Overlay District has the following standards for a surface parking lot:

a. The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.

The proposed lot abuts the side lot line of the nursing home to the north and the dance studio to the east.

b. The width of the parking lot shall not exceed seventy-five (75) feet.

The parking lot does not exceed 75 on 38th Street East. It does exceed 75 feet to 97 feet on the Standish Avenue frontage. The applicant is requesting a variance of this standard and staff recommends approval of the variance.

c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.

The lot will be for passenger automobiles only and no commercial vehicles will be parked or stored on the lot.

CPED Planning Division Report

BZZ-4808

d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.

Providence Place is a nursing home with 24 hour operations, so a secured gate is not practical, as the home would need access to the lot 24 hours a day. Staff recommends that the City Planning Commission authorize the elimination of this standard. Any commercial use that utilizes the parking lot shall only do so during their allowed hours of operation.

e. The parking lot shall at no time be used for outdoor sales, display or storage.

The parking lot will not be used for outdoor sales, display or storage.

f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.

The entrance to the parking lot is off of Standish Avenue and is twenty (20) feet from any adjacent property located in a residence or office residence district.

g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

The proposed parking lot does not require a site plan review application, but it is required to comply with zoning code standards. Section 541.360 of the zoning code requires that parking lots of four (4) spaces or more shall be subject to the landscaping, screening, and curbing requirements as specified in Chapter 530, Site Plan Review.

LANDSCAPING AND SCREENING:

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**

The parking area provides the required seven foot wide landscaped areas that have screening with new plantings that are three feet in height between the parking and the public sidewalks. The site plan provides one tree per every 25 linear feet of parking lot frontage on both Standish Avenue and 38th Street East. The interior areas and corners of the parking lots are landscaped. All parking spaces are within 50 feet of an on-site deciduous tree.

CPED Planning Division Report
BZZ-4808

The PO Pedestrian Oriented Overlay District has the following standards for a surface parking lot in a Transit Station Area:

(a) Location. On-site accessory parking facilities shall be located to the rear or interior side of the site, within the principal building served, or entirely below grade.

The parking lot is located to the side (but not the interior) of the nursing home. The applicant is requesting a variance of this standard and staff is recommending approval.

(b) Dimensions. Parking lots shall be limited to not more than sixty (60) feet of street frontage.

The parking lot exceeds 60 feet of frontage to 97 feet on Standish Avenue. The applicant is requesting a variance of this standard and staff is recommending approval.

(c) Driveways. The driveway width for all parking facilities shall not exceed twenty (20) feet of street frontage.

The parking lot curb cut and driveway exceeds 20 feet to 22 feet for the drive approach and 25 feet for the driveway at its widest point. The applicant is requesting a variance of this standard and staff is recommending approval.

(d) Shared parking. The development of shared parking is encouraged, subject to the provisions of Chapter 541, Off-Street Parking and Loading.

The proposed lot will allow shared parking.

(e) Off-site parking. When off-site parking is allowed as specified in Chapter 541, Off-Street Parking and Loading, parking may be located an additional five hundred (500) feet from the use served, subject to the requirements of Chapter 541, Off-Street Parking and Loading, governing the location of off-site parking.

The lot will comply with this standard.

(f) Minimum and maximum number of accessory parking spaces. The minimum off-street parking requirement for nonresidential uses shall be seventy-five (75) percent of the minimum requirement specified in Chapter 541, Off-Street Parking and Loading. The maximum off-street parking allowance for nonresidential uses shall be seventy five (75) percent of the maximum allowed as specified in Chapter 541, Off-Street Parking and Loading, provided that a development with one (1) or more nonresidential uses shall not be restricted to fewer than ten (10) total accessory parking spaces on a zoning lot.

Minimum automobile parking requirement: The zoning code requires 1 space per 3 beds for board and care homes/nursing homes/assisted living facilities. Providence Place has 231 beds for a parking requirement of 77 spaces. The parking for Providence Place is provided on the site of the new assisted living facility to the east at 3717 and 3733 – 23rd Avenue South. This new building will have 77 beds

CPED Planning Division Report

BZZ-4808

for a parking requirement of 26 spaces. Together both buildings have a base requirement of 103 spaces. Dwelling and congregate living facilities in the OR2 District (the new assisted living facility is in the OR2 District) are allowed to provide 90 percent of the required parking and multiple-family dwellings in the PO District Transit Station Areas are allowed to provide 90 percent of the required parking. This reduces the total required parking to 93 spaces. The new assisted living project will provide 91 spaces of which 41 are surface spaces and 50 are underground. The proposed surface parking lot will add an additional 16 parking spaces, for a total of 107 spaces.

Maximum automobile parking requirement: The zoning code has a maximum requirement of 1 space per bed for board and care homes/nursing homes/assisted living facilities. Providence Place has 231 beds for a parking maximum of 231 spaces. The parking for Providence Place is provided on the site of the new assisted living facility to the east at 3717 and 3733 – 23rd Avenue South. This new building will have 77 beds for a parking maximum of 77 spaces. Together both buildings have a parking maximum of requirement of 308 spaces. The new assisted living project will provide 91 spaces. The proposed surface parking lot will add an additional 16 parking spaces, for a total of 107 spaces.

VARIANCE (of the TP Transitional Parking Overlay District standard to allow the parking frontage to exceed 75 to 97 feet and of the PO Overlay District standard to allow the parking frontage to exceed 60 feet to 97 feet)

Findings Required by the Minneapolis Zoning Code:

- 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 TP Transitional Parking Overlay District limits parking lot frontage to 75 feet and the PO Pedestrian Oriented Overlay District limits parking lot frontage to 60 feet. The proposed parking area will be 60 feet wide on 38th Street East and approximately 97 feet wide on Standish Avenue. A variance is requested to exceed both overlay district frontage limits on Standish Avenue. There is not a public sidewalk on the east side of Standish Avenue between 37th and 38th Streets. It is unlikely that one will be built as it would require the removal of several trees along the entire block. This reduces the need for less parking lot frontage on Standish. The lot is also wider as it is sharing a drive with an existing service drive, which while making the lot wider, reduces the number of curb cuts. Reducing the size of the lot would not reduce the amount of vehicular access and drives on Standish due to the location of the existing service drive on the west side of the nursing home. This is a hardship.

- 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.**

The proposed lot will provide additional parking for Providence Place and shared parking for the adjacent dance studio. The location of the existing service drive creates a situation where the use of an existing curb cut increases the width of the overall parking lot, while not significantly increasing the amount of parking. It will however reduce the number of curb cuts. In addition, there is not a sidewalk

CPED Planning Division Report

BZZ-4808

on this side of Standish Avenue. This is not generally applicable to other properties in the PO District and is a reasonable use of the property.

- 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. Because there is not a sidewalk on Standish Avenue the impact of the proposed variance will be lessened and it will not circumvent the intent of the ordinance.

- 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 variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (of the PO standard to allow the parking lot to be located at the side of the building)

Findings Required by the Minneapolis Zoning Code:

- 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 PO Overlay District limits parking lots to the rear or interior of sites. Providence Place occupies the entire block between 23rd Avenue south and Standish Avenue South, so it is not possible to put a parking lot to the rear or interior of the site. This is a hardship.

- 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.**

Providence Place occupies the entire block between 23rd Avenue South and Standish Avenue South, so it is not possible to put a parking lot to the rear or interior of the site. This is a hardship. This is not generally applicable to other properties in the PO District and is a reasonable use of the property.

CPED Planning Division Report

BZZ-4808

- 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity. The variance will allow a larger parking lot in a PO Overlay District, so staff is recommending a three to four foot high decorative metal fence be installed along the 38th Street East frontage to mitigate the effects of the lot and to promote the pedestrian character of the area.

- 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 variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (of the PO standard to allow the driveway to exceed 20 feet to 25 feet)

Findings Required by the Minneapolis Zoning Code:

- 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 PO Overlay District limits driveways to 20 feet of width. The proposed parking will be constructed to share access with an existing service drive that has an existing 22 foot wide curb cut. It will be difficult to use the shared access and still limit the driveway to 20 feet. In addition, there is no sidewalk on Standish, so there would not be pedestrians crossing the driveway. Further, the drive width is necessary for the vehicles utilizing the service drive to the north. Requiring a smaller driveway, when there is no pedestrian activity along this drive, would be a hardship.

- 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.**

The proposed parking will be constructed to share access with an existing service drive that has an existing 22 foot wide curb cut. It will be difficult to use the shared access and still limit the driveway to 20 feet. In addition, there is no sidewalk on Standish, so there would not be pedestrians crossing the driveway. Further, the drive width is necessary for the vehicles utilizing the service drive to the north. This is not generally applicable to other properties in the PO District and is a reasonable use of the property.

CPED Planning Division Report

BZZ-4808

- 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.**

The intent of the ordinance is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by reducing the width of drive areas that pedestrians have to cross. Because there is not a sidewalk on Standish Avenue the proposed variance will not affect pedestrians. This will not circumvent the intent of the ordinance.

- 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 variance will not contribute to the generation traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning to add the TP Transitional Parking Overlay District to property located at 3720 – 23rd Avenue South and 2230 – 38th Street East.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for an accessory lot:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a 16 space accessory parking lot for property located 3720 – 23rd Avenue South and 2230 – 38th Street East subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) The two parcels at 3720 – 23rd Avenue south and 2230 – 38th Street East shall be combined under one tax identification number by the site plan compliance deadline.

CPED Planning Division Report

BZZ-4808

- 3) The requirement for a secured gate between the hours of 10:00 p.m. and 6:00 a.m. be waived.
- 4) CPED Planning staff review and approve the site and landscaping plans before permits may be issued.
- 5) All site improvements shall be completed by August 6, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 6) The accessible parking space shall be located closest to the accessible rout to the building.
- 7) If lighting is provided it shall comply with the requirements of Section 535.590 of the zoning code.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking TP Overlay District parking frontage standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow to allow the parking area to exceed 75 feet of frontage to approximately 97 feet on Standish Avenue for property located at 3720 – 23rd Avenue South and 2230 – 38th Street East.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the parking PO Overlay District parking frontage standard variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow to allow the parking area to exceed 60 feet of frontage to approximately 97 feet on Standish Avenue for property located at 3720 – 23rd Avenue South and 2230 – 38th Street East.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District parking location variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow the parking lot to be located at the side of the building for property located at 3720 – 23rd Avenue South and 2230 – 38th Street East subject to the following condition.

- 1) Provision of a three to four foot high decorative metal fence between the parking and the public sidewalk and landscaping for the entire length of the 38th Street frontage to reinforce the street wall and pedestrian character.

CPED Planning Division Report

BZZ-4808

Recommendation of the Community Planning and Economic Development Department - Planning Division for the PO District standard variance to exceed 20 foot driveway width:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to allow the driveway to exceed 20 feet to 25 feet (22 feet at the curb cut) for property located at 3720 – 23rd Avenue South and 2230 – 38th Street East subject to the following condition:

1) The damaged portion of the drive approach shall be repaired subject to Public Works approval and standards.

Attachments:

1. Statements from applicant.
2. PDR report.
3. Zoning maps.
4. Site plans, floor plans, and elevations.
5. Photos.

**Excerpt from the
CITY PLANNING COMMISSION MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
(612) 673-2597 Phone
(612) 673-2526 Fax
(612) 673-2157 TDD

MEMORANDUM

DATE: July 1, 2010

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of June 28, 2010

The following actions were taken by the Planning Commission on June 28, 2010. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, Bates, Bourn, Carter, Cohen, Gorecki, Huynh, Luepke-Pier, Schiff and Tucker – 10

Committee Clerk: Lisa Baldwin (612) 673-3710

5. Providence Place (BZZ-4808, Ward: 9), 2230 38th St E ([Jim Voll](#)).

A. Rezoning: Application by Senior Care Providence LLC for a rezoning to add the TP Transitional Parking Overlay District for property located at 2230 38th St E.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the rezoning to add the TP Transitional Parking Overlay District to property located at 3720 – 23rd Ave S and 2230 – 38th St E.

B. Conditional Use Permit: Application by Senior Care Providence LLC for a conditional use permit for a surface parking lot for property located at 2230 38th St E.

Action: The City Planning Commission adopted the findings and **approved** the conditional use permit for a 16 space accessory parking lot for property located 3720 – 23rd Ave S and 2230 – 38th St E subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The two parcels at 3720 – 23rd Ave S and 2230 – 38th St E shall be combined under one tax identification number by the site plan compliance deadline.
3. The requirement for a secured gate between the hours of 10:00 p.m. and 6:00 a.m. be waived.
4. CPED Planning staff review and approve the site and landscaping plans before permits may be issued.
5. All site improvements shall be completed by August 6, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
6. The accessible parking space shall be located closest to the accessible route to the building.
7. If lighting is provided it shall comply with the requirements of Section 535.590 of the zoning code.
8. The parking lot shall be signed that it is for Social Dance Studio visitors from 5:00 p.m. to 10:00 p.m.
9. A rain garden shall be added along the west edge of the parking lot with a minimum of one gallon plugs planted in a range between 18-24” on center.
10. The applicant shall work with staff to replace the Spirea with shrubs that provide multi-seasonal interest.

C. Variance: Application by Senior Care Providence LLC for a variance of the TP Transitional Parking Overlay District standards to allow a parking area to exceed a width of 75 feet to 97 feet for property located at 2230 38th St E.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow to allow the parking area to exceed 75 feet of frontage to approximately 97 feet on Standish Ave for property located at 3720 – 23rd Ave S and 2230 – 38th St E.

D. Variance: Application by Senior Care Providence LLC for a variance of the PO Pedestrian Oriented Overlay District standards to allow a parking area to exceed a width of 60 feet to 97 feet for property located at 2230 38th St E.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow to allow the parking area to exceed 60 feet of frontage to approximately 97 feet on Standish Ave for property located at 3720 – 23rd Ave S and 2230 – 38th St E.

E. Variance: Application by Senior Care Providence LLC for a variance of the PO Pedestrian Oriented Overlay District standards to allow the parking lot at the side of the building for property located at 2230 38th St E.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow the parking lot to be located at the side of the building for property located at 3720 – 23rd Ave S and 2230 – 38th St E subject to the following condition:

1. Provision of a three to four foot high decorative metal fence between the parking and the public sidewalk and landscaping for the entire length of the 38th St frontage to reinforce the street wall and pedestrian character.

F. Variance: Application by Senior Care Providence LLC for a variance of the PO Pedestrian Oriented Overlay District standards to allow a driveway to be wider than 20 feet to 25 feet for property located at 2230 38th St E.

Action: The City Planning Commission adopted the findings and **approved** the variance to allow the driveway to exceed 20 feet to 25 feet (22 feet at the curb cut) for property located at 3720 – 23rd Ave S and 2230 – 38th St E subject to the following condition:

1. The damaged portion of the drive approach shall be repaired subject to Public Works approval and standards.

Staff Voll presented the staff report.

Commissioner Schiff: Can you remind us, what variances were needed by Social Dance Studio as well as what variances were granted for Senior Care/Providence Place across the street from the new building?

Staff Voll: Social Dance Studio came in and received a variance from 36 spaces to 16 spaces, 16 were grandfathered so in a sense it was really to zero. The parking standards for the dance studio were a little bit less under the recently adopted changes to the zoning ordinance, it'd be something like 32 spaces, but they did not have any parking at all when that variance was done. The Social Dance Studio came in later and you all may remember them asking for an extension of hours but that's separate from the amount of parking. There was a large surface lost to the east of Providence Place, that's where the Waters assisted living facility is going. That was a 77 unit facility and they did not receive any parking variances. They did receive some variances of the PO district for the building location but no parking variances.

Commissioner Schiff: The purpose of this is to allow sharing of the parking between the two uses that would be allowed, is there any written arrangement for the shared parking?

Staff Voll: What Providence Place has told me is the purpose is for overflow parking for their uses and then the reason they asked for the TP overlay was to allow for shared parking, but no we do not have a written agreement that they would allow any shared parking but it is the purpose of the TP otherwise there would be no need for it.

President Motzenbecker opened the public hearing.

President Motzenbecker: There are two pieces I wanted to adjust under the CUP. Part of the findings we have to decide on is consistency with the Comprehensive Plan and I think Jim did a great job outlining the policies on page five that were important; reducing visual impact of auto facilities and adding adequate landscaping. I think the landscaping has been done fairly well. Knowing this is close to a station district and that we're adding parking where we don't necessarily want parking but I understand the reasoning behind it. I would like to encourage a little bit more because we're adding impervious surface and part of our goal here at the city is to kind of reduce that as much as possible whenever we can and you have already designed a fantastic space on the western edge of the parking lot with curb cuts for draining into there so I would like to have that made into a rain garden space with plants and I can add details later. As

you're improving the space, to add shrubs that add a little bit more seasonal interest all the way through. I would encourage you to replace the Spirea with some other shrubs that might have three season interest rather than one. With that, I will open the public hearing.

Jennifer Meyers [not on sign-in sheet]: I'm acting on behalf of Senior Care Providence LLC and I just wanted to say how excited we are to put the 16 space parking lot in the neighborhood to relieve some of the parking concerns that are going on with the new construction right now and we're definitely open to more landscaping and different ideas. Thank you.

Commissioner Schiff: I do think this will help meet some of the parking needs in the neighborhood. What are you the scheduled shift changes at Providence Place?

Jennifer Meyers: I will have Joel speak to that since he works in the nursing home.

Joel Kelsh [not on sign-in sheet]: I'm the administrator at Providence Place. Approximately 6:00 to 6:30 a.m. to approximately 2:00 to 2:30 p.m. so we run three eight hour shifts; days, pm's and night shifts.

Commissioner Schiff: So eight hour shifts.

Joel Kelsh: Yes.

Commissioner Schiff: If Providence Place employees take the spots for all three shifts there's going to be nothing left for the dance studio. Would you be open to allowing for the 2:00 p.m. shift, in particular since most of their needs for parking is going to begin at about 5:30 for that shift, for the parking lot to remain open for the people who are coming here for the neighborhood businesses?

Joel Kelsh: I'm not an owner so I can't really answer your question. Most of our employees are female so I feel we need a safe, well lit place for our staff to be able to park.

President Motzenbecker closed the public hearing.

President Motzenbecker: I will move the rezoning, staff recommendation, item A (Luepke-Pier seconded). All those in favor? Opposed?

The motion carried 9-0.

President Motzenbecker: I will move staff recommendation for the CUP for the 16 space parking lot (Commissioner Carter seconded).

Commissioner Schiff: Because we are rezoning this so that it may be shared, I think that speaks to the intent and I would like to be shared for the city to grant the parking variance for the Social Dance Studio to be able to open in the first place. Going from 36 to 16 stalls is substantial and that is how the conversations began around this parking lot in order to meet the needs in the area. I'd like to add a condition to the conditional use permit requiring the lot be signed to make it clear that the parking is for use of Social Dance Studio visitors between the hours of 5:00 and 10:00 p.m.

President Motzenbecker: Any number of spots or just as a general sign that they can park in available spots.

Commissioner Schiff: Just a general sign. People who come to Social Dance Studio are visitors who may come once a week or twice a week but they are not as familiar with the area as local employees are. They are less likely to use transit as employees would be and it really speaks to the conversations about this lot began as shared cooperative space that created the transitional parking overlay application. It was a back and forth to negotiate to get this to work and if employees just take all the spots then there's not going to be any parking left over so I think the lot should be signed to make it clear it's a shared use.

President Motzenbecker: I would like to add the conditions that a rain garden be added along the west edge of the parking lot in the space already shown labeled as snow storage and that minimum of one gallon plugs be planted and arranged between 18-24 inches on center to fill that space. I would add another condition that the Spirea be replaced with a more visually and multi-seasonal interest shrub and you can work with staff to determine those. Just to clarify Commissioner Schiff's addition, that we require the lot to be generally signed for use by Social Dance Studio users from 5:00 to 10:00 p.m. Any other comments? All those in favor? Opposed?

The motion carried 9-0.

President Motzenbecker: I will move staff recommendation of variances C through F (Luepke-Pier seconded). Any further discussion? All those in favor? Opposed?

The motion carried 9-0.