

**Department of Community Planning and Economic Development – Planning
Division
Rezoning and Variance
BZZ-3095**

Date: July 31, 2006

Applicant: St. Mary's University of Minnesota, 2500 Park Avenue, Minneapolis, MN 55404-4403, (612) 728-5137

Addresses of Property: 2222 and 2226 Oakland Avenue

Project Name: St. Mary's University of Minnesota

Contact Person and Phone: Mod Feders, Buetow & Associates, Inc., 2345 Rice Street, Suite 210, St. Paul, MN 55113, (651)483-6701

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: June 27, 2006

End of 60-Day Decision Period: August 25, 2006

End of 120-Day Decision Period: On July 20, 2006, Staff sent the applicant a letter extending the decision period to no later than October 24, 2006.

Ward: 6 **Neighborhood Organization:** Phillips West

Existing Zoning: R6 (Multiple-family District) and R4 (Multiple-family District), NP (North Phillips) Overlay District

Proposed Zoning: Add Transitional Parking (TP) Overlay District

Zoning Plate Number: 20

Lot area: 24,800 square feet or .57 acres

Legal Description: 2222 Oakland Avenue - Lot 6, Block 3, Town of Minneapolis, Hennepin County, Minnesota, 2226 Oakland Avenue - Lots 7, 8 and 9, Block 3, Town of Minneapolis, Hennepin County, Minnesota

Proposed Use: Utilize the surface parking lots for student parking.

Concurrent Review:

- Petition for a rezoning to add the Transitional Parking (TP) Overlay District to the subject properties for use by St. Mary's University of Minnesota.
- Variance of the TP Overlay District standards.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments and Chapter 525, Article VII, Conditional Use Permits.

Background: The applicant, St. Mary’s University of Minnesota, recently received approval for a rezoning to OR3 (Institutional Office Residence District) and a conditional use permit for a college expansion in order to utilize the existing Memorial Blood Center building located at 2304 Park Avenue. These applications were approved by the Planning Commission on May 8, 2006. A rezoning and conditional use permit application for the two associated surface parking lots located at 2222 and 2226 Oakland Avenue that were proposed to be utilized for parking as part of the college expansion were withdrawn in order to pursue a Transitional Parking (TP) Overlay District. The TP overlay district is generally established in order to allow parking lots for passenger automobiles in residence and office residence districts when adjacent to a zoning district in need of additional parking for customers and employees that does not meet the requirements of Chapter 541, Off-Street Parking and Loading. Typically a conditional use permit is required to allow a parking lot in the TP overlay; however, the City has determined that both above listed properties are deemed to have a conditional use permit. The two surface parking lots would be subject to design and maintenance per Chapter 530. The applicant proposes to vary the following TP Overlay District standards: 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; b) the width of the parking lot shall not exceed seventy-five (75) feet; and g) the parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

The properties are located in the NP Overlay District which was established to create additional housing, to promote home ownership and to allow a variety of housing types, costs and arrangements. The overlay district standards are not applicable for this proposal.

Staff has not received correspondence from Phillips West Neighborhood Organization prior to the printing of this report.

REZONING – to add the TP Overlay District

Findings as Required by the Minneapolis Zoning Code:

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

According to the *Minneapolis Plan*, the subject parcels are predominantly located in a multi-family and services – commercial area. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

- 9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.
- 9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.
- 9.21 Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulated structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.
- 9.23 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing buildings, and to maintain and improve compatibility with surrounding areas.

The proposal to add the TP overlay district is in conformance with the above noted principles and policies of the comprehensive plan.

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

The amendment to add a TP overlay district would allow existing surface parking lots to be utilized by the college while maintaining the underlying residential zoning classification. Adding the TP Overlay District is in the public interest insofar as it would allow the use of two existing surface lots in conjunction with the college use that supports the other commercial and cultural uses in the area.

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 properties are currently zoned R6 and R4. There is a mixture of zoning classifications within the immediate area. Generally, the parcels on the east side of Oakland Avenue in the immediate area are zoned either OR2 or OR3. The parcels on the west side of Oakland Avenue in the immediate area are predominately zoned R4, with the 2222 parcel being the only R6 zoned property in the immediate area. Adjacent uses include a mixture of commercial, institutional and residential uses. Staff believes that the Transitional Parking (TP) Overlay District would be an appropriate and reasonable option in order to allow the 2222 and 2226 Oakland Avenue parcels to be utilized for parking for

the college. The addition of the TP overlay district would be compatible with the surrounding area as the underlying zone districts of R6 and R4 would remain.

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.

There are reasonable uses of the property permitted under the R6 and R4 zoning districts. Both the R6 and R4 zoning districts are multiple-family districts. Permitted uses in the R4 and R6 districts include, but are not limited to, the following:

- Residential uses
- Community residential facility
- Places of assembly

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.

Under the 1963 Zoning Code, the subject properties and the surrounding area were zoned R4, R6 and B1-3. The properties have supported parking for a blood center since the building was constructed in 1954. Due to the mixture of zoning classifications within the immediate area, Staff believes that the rezoning request to add the TP Overlay District is reasonable and appropriate and is consistent with the trend of development in the area.

VARIANCE – of the following Transitional Parking (TP) Overlay District standards: **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; **b)** the width of the parking lot shall not exceed seventy-five (75) feet; and **g)** the parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

Findings as Required by the Minneapolis Zoning Code for the 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.

Vary the locational requirement (a): It is likely that the property could not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning ordinance would likely cause undue hardship. As previously noted the parking lots have been in their current configuration for a long period of time. As there is no development planned for these parcels at this time, allowing the parking lots to serve the same building and provide parking for both college students and staff would be

reasonable. Not allowing the variance of the locational requirement in the TP overlay district standards would essentially result in an unused parking lot.

Vary the width permitted (b): It is likely that the property could not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning ordinance would likely cause undue hardship. As previously noted the parking lots have been in their current configuration for a long period of time. To require that the width of the existing parking lot be modified so that it is no greater than 75 feet would in essence require that more than half of the existing parking lot be eliminated, as the existing width is approximately 200 feet in width.

Vary the landscaping and screening (g): It is likely that the property could be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning ordinance would likely not cause an undue hardship. The parking lot is large in size and fronts on to Oakland Avenue. Staff believes it is reasonable for the proposal to comply with the landscaping and screening requirements in Chapter 530 as the parking lot may continue to be utilized as such indefinitely. Provisions to provide landscaping within the interior of the lot as well as providing adequate landscaping buffers and screening would have positive impacts on the property as well as on the adjacent residential properties and surroundings.

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.

Vary the locational requirement (a): The circumstances could be considered unique to the parcel of land for which the variance is being sought and have not been created by any persons presently having an interest in the property. The properties have been utilized as parking lots for the Memorial Blood Center building located at 2304 Park Avenue since the building was constructed in 1954. The configuration and location of the parking relative to the principal use served has not been created by any persons presently having an interest in the property. Not allowing a variance of this standard would result in an unutilized surface parking lot.

Vary the width permitted (b): The circumstances could be considered unique to the parcel of land for which the variance is being sought and have not been created by any persons presently having an interest in the property. The properties have been utilized as parking lots for the Memorial Blood Center building located at 2304 Park Avenue since the building was constructed in 1954. The configuration and location of the parking relative to the principal use served has not been created by any persons presently having an interest in the property. Not allowing a variance of the allowable width permitted would result in over half of the existing parking lot not being utilized for parking.

Vary the landscaping and screening (g): The circumstances are not unique to the parcel of land for which the variance is being sought; however, the circumstances have not been created by any persons presently having an interest in the property. As there is the possibility that the parking lot may be utilized indefinitely by the St. Mary's University campus, Staff believes it is reasonable to require that the property be brought into compliance with the landscaping and screening standards in Chapter 530.

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.

Vary the locational requirement (a): The granting of the variance to allow parking to continue on the properties would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The likely intent of this provision in the TP overlay standards is to avoid a situation where a parking lot for a commercial area would be established on a parcel that is well within an established residential area rather than immediately adjacent to the commercial area.

Vary the width permitted (b): The granting of the variance to allow parking to continue on the properties would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The likely intent of this provision in the TP overlay standards is presumably to prevent a large interruption in the fabric of a neighborhood through the establishment of very large parking lots. Being that the parking lot is existing, staff believes that it would be reasonable to continue to allow the use.

Vary the landscaping and screening (g): The granting of the variance to not require any additional landscaping and screening within a large surface parking lot would not be in keeping with the spirit and intent of the ordinance and would likely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Compliance with the landscaping and screening standards would result in the beautification of an existing surface parking lot which would be in keeping with the spirit and intent of the ordinance. Staff would argue that continued long term use of this site as a barren parking lot, without sufficient landscaping and screening, would be detrimental to the character and enjoyment of the adjacent 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.

Vary the locational requirement (a): The proposed locational variance for an existing parking lot would 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.

Vary the width permitted (b): The proposed width variance for an existing parking lot would 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.

Vary the landscaping and screening (g): The proposed landscaping and screening variance for an existing parking lot would 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.

RECOMMENDATIONS:

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

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 rezoning petition to add the Transitional Parking (TP) Overlay District to the properties located at 2222 and 2226 Oakland Avenue.

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 of the Transitional Parking (TP) Overlay District Standards on the properties located at 2222 and 2226 Oakland Avenue subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.
2. Submission of a site plan for the properties as required by sections 531.110 and 541.360 of the zoning code, showing compliance with Chapter 530 requirements related to landscaping and screening of parking and loading areas and implementation of the landscaping and screening no later than September 1, 2007.
3. Compliance with all other required TP Overlay District standards except as they relate to location and width.

Attachments:

1. Legal description
2. Statement of use and description of project
3. Findings for the Variance
4. Correspondence
5. Zoning map
6. Plans and photos

Legal Description:

(2222 Oakland Avenue)

Lot 6, Block 3, Town of Minneapolis, Hennepin County, Minnesota

(PID: 35-029-24-22-0025)

(Abstract)

(Approximately .14 acres)

(2226 Oakland Avenue)

Lots 7, 8 and 9, Block 3, Town of Minneapolis, Hennepin County, Minnesota

(PID: 35-029-24-22-0026)

(Abstract and Torrens)

(Approximately .43 acres)