

Department of Community Planning and Economic Development – Planning Division
Rezoning and Variances
BZZ-5092

Date: March 28, 2011

Applicant: Saint Mary's University

Addresses of Property: 2501 and 2505 Portland Avenue South

Project Name: Saint Mary's University

Contact Person and Phone: Ken Stone with Kodet Architectural Group, (612) 377-2737

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 2, 2011

End of 60-Day Decision Period: May 1, 2011

End of 120-Day Decision Period: A 60-day extension letter was mailed on March 14, 2011, extending the 120-day decision period to June 30, 2011

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

Existing Zoning: R6, Multiple-family District

Proposed Zoning: R6, Multiple-family District with the TP Transitional Parking Overlay District

Zoning Plate Number: 20

Legal Description: Lot 1, BORNHOLDT'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota. Lots 2, 3, 4, 5, 6, BORNHOLDT'S ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota. Lots 12, 13, AUDITOR'S SUBDIVISION NUMBER 212, Hennepin County, Minnesota.

Proposed Use: Principal parking lot serving as accessory parking for Saint Mary's University

Concurrent Review:

Rezoning: to add the TP Transitional Parking Overlay District to the existing parking lot located at 2501 and 2505 Portland Avenue South.

Variances: of the TP Overlay standards.

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

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Background: Saint Mary’s University of Minnesota – Twin Cities Campus is located along Park Avenue in south Minneapolis. The existing campus currently occupies four buildings between East 22nd Street and East 26th Street. The university is proposing to purchase the existing parking lot located on the southeast corner of Portland Avenue and East 25th Street. The parking lot will be used primarily when there are events being held on campus.

In addition to this land use application, Saint Mary’s University has also applied for a rezoning and conditional use permit associated with the Harrington mansion and the attached Zuhrah Shrine event center located at 2540 Park Avenue which they are also proposing to purchase. The parking lot and the Harrington mansion and the attached Zuhrah Shrine event center are currently owned by the same entity.

The property is currently zoned R6, Multiple-family District. Parking lots serving uses that are located in the OR3 zoning district are not allowed. In order for Saint Mary’s University to utilize the parking lot it either needs to be rezoned to the OR3 District or the TP Transitional Parking Overlay District needs to be added to the property. The applicant has applied to add the TP Transitional Parking Overlay District to the property. Parking lots in the TP Transitional Parking Overlay District are subject to a number of standards. Two of the standards are not being met so the applicant has applied to vary them. The standards that are not being met include: (1) the requirement that 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; and (2) the width of the parking lot shall not exceed 75 feet.

While parking lots serving institutional and public uses, as well as parking lots in the TP Transitional Parking Overlay District, typically require a conditional use permit, the parking lot in question appears to have been legally established and is not expanding onto additional properties. Thus, the parking lot is deemed to have a conditional use permit under section 520.140 of the zoning code.

Parking lots of more than four parking spaces are subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review.

- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. The applicant is proposing to install an eight-foot wide landscaped yard along Portland Avenue, East 25th Street and Oakland Avenue.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The applicant is proposing to plant a series of Amur Maple trees and Japanese Yew shrubs around the perimeter of the parking lot along Portland Avenue, East 25th Street and Oakland Avenue. In addition, the applicant is proposing to remove the existing six-foot high chain link fence from along these three sides of the parking lot and replace it with a three-foot high vinyl-coated chain link fence. The Planning Division is recommending that instead of a vinyl-coated chain link fence the applicant construct a decorative metal fence that is similar to the decorative metal fence that they have installed around some of their other parking areas.
- The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district or a permitted or conditional residential use. The applicant’s south property line abuts a residential

property in the R6, Multiple-family District. The applicant is proposing to install a seven-foot wide landscaped yard along the south property line.

- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district or a permitted or conditional residential use. The applicant is proposing to plant a series of Arborvitae along the south property line. In addition, there is an existing six-foot high chain link fence along the south property line that the applicant is proposing to leave in place. The Planning Division is recommending that the applicant remove the existing fence and replace it with a three foot-high vinyl-coated chain link fence.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The applicant is proposing to plant a tree at least every 25 feet along Portland Avenue, East 25th Street and Oakland Avenue.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This provision is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. This provision is being met.

REZONING: to add the TP Transitional Parking Overlay District to the existing parking lot located at 2501 and 2505 Portland Avenue South

Findings as Required by the Minneapolis Zoning Code:

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

This site is located on the southeast corner of Portland Avenue and East 25th Street. The site is located three blocks west of Chicago Avenue which is a designated Community Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located in a designated Growth Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services (Land Use Policy 1.15).
- Promote the integration of major public and private institutional campuses located in Growth Centers, including health care and educational services, with the function and character of surrounding areas (Implementation Step for Land Use Policy 1.15).
- Support the efforts of public and private institutions to provide a wide range of educational choices for Minneapolis students and residents throughout the city (Public Services and Facilities Policy 5.2).
- Work with institutions to ensure that school facilities are safe, accessible and functionally appropriate for a diverse array of educational programs (Implementation Step for Public Services and Facilities Policy 5.2).

The Planning Division believes that the proposed zoning amendment is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. The site is located in a designated Growth Center where the establishment or expansion of institutional campuses is encouraged.

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

The amendment will allow the applicant to use the existing parking lot for the university. Institutional uses are a desired land use in designated Growth Centers. Approving this rezoning supports the City's policy of promoting institutional uses in designated Growth Centers.

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 three properties located on the twenty-five hundred block of Portland Avenue. All three of them are zoned R6. Surrounding zoning classifications include R4, R6, OR2 and OR3. Uses in the surrounding area are primarily large-scale residential developments or institutional campuses. Given the mixture of surrounding zoning classifications and uses the Planning Division believes that adding the TP Transitional Parking Overlay District to the existing parking lot would be compatible with the surrounding area.

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 a variety of reasonable uses permitted in the R6, Multiple-family District, including the following:

- Multiple-family dwelling, three (3) and four (4) units.
- Community residential facility serving six (6) or fewer persons
- Community garden
- Park, public
- Place 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.

A number of the institutional uses in the general area have gone through major expansions in the last ten years. Such uses include the Phillips Eye Institute, the American Swedish Institute, Lutheran Social Services, Saint Mary's University, Children's Hospital and Abbott Northwestern Hospital. As part of the 2006 expansion of the Saint Mary's University campus the TP Transitional Parking Overlay District was added to the parking lot located at 2222 and 2226 Oakland Avenue.

VARIANCE - of section 551.430 standards “a” which requires that 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 and “b” which requires that the width of the parking lot shall not exceed 75 feet.

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.

Location of the parking lot and parking lot width: The applicant is seeking a variance of section 551.430 standards “a” which requires that 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 and “b” which requires that the width of the parking lot shall not exceed 75 feet. The applicant has indicated that this is an existing parking lot and that these conditions currently exist. The parking lot currently serves the building located at 2540 Park Avenue and will continue to do so as both the building and the parking lot are currently owned by the same entity and are both being sold to the applicant. In addition, the parking lot is currently between 124 and 209 feet wide. Once the proposed landscaping is installed the parking lot will be between 109 and 194 feet wide. Denying the variances would essentially deprive the property owner of using the parking lot in a manner in which it has been lawfully used for many years. 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.

Location of the parking lot and parking lot width: The fact that the parking lot currently serves a building located across the street and will continue to do so is a unique circumstance of this parcel of land. In addition, it is a unique circumstance that the parking lot is wider than 75 feet and will be brought closer into compliance with the proposed landscaping improvements.

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.

Location of the parking lot and parking lot width: The Planning Division believes that 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 proposed landscaping and fencing improvements will be an overall improvement to the existing parking lot.

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.

Location of the parking lot and parking lot width: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

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 the Minneapolis City Council adopt the above findings and **approve** the rezoning to add the TP Transitional Parking Overlay District to the properties located at 2501 and 2505 Portland Avenue South.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variances of the TP Overlay for the properties located at 2501 and 2505 Portland Avenue South subject to the following conditions:

1. The parking lot shall be landscaped and screened as required by section 530.170 of the zoning code.
2. Instead of a vinyl-coated chain link fence the applicant shall construct a decorative metal fence along the Portland Avenue, East 25th Street and Oakland Avenue sides of the parking lot.
3. The applicant shall remove the existing chain link fence along the south property line and replace it with a three foot-high vinyl-coated chain link fence.

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Attachments:

1. Statement of proposed use and description of project
2. Responses to the variance findings
3. March 1, 2011, letter to Council Member Robert Lilligren and the Phillips West Neighborhood Organization
4. December 3, 2010, letter from the Phillips West Neighborhood Organization
5. Saint Mary's University campus map
6. Zoning map
7. Site and building information
8. Survey, site plan and floor plans
9. Photos of the site and surrounding area