Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit, Variances, and Site Plan Review
BZZ – 3801

Date: October 29, 2007

Applicant: The Ackerberg Group

Address of Property: 2310-2312 Penn Avenue North

Project Name: "Delisi's" Building Parking Lot

Contact Person and Phone: Mary Armstrong, (612) 924-6504

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 21, 2007

End of 60-Day Decision Period: November 20, 2007

End of 120-Day Decision Period: On October 9, 2007, staff sent the applicant a letter extending the decision period no later than January 19, 2007.

Ward: 5 **Neighborhood Organization:** Willard-Hay (Northside Residents Redevelopment Council)

Existing Zoning: R4 Multi-Family Residence District

Proposed Zoning: TP Transitional Parking Overlay District

Zoning Plate Number: 7

Legal Description: That part of Lot 15, Block 21, "Forest Heights" lying Southerly of a line drawn parallel with the South line of said Lot 15 and passing through a point on the West line of said Lot 15 distant 11 feet of Southerly from the most Northwesterly corner of said Lot 15. Subject to a public easement in favor of the City of Minneapolis over that part of the above land lying Northerly of a line drawn parallel with the South line of said lot and passing through a point on the West line of said Lot 15 distant 29 feet Southerly from the most Northwesterly corner of said Lot 15, as contained in Book 631 of Deeds, page 532, Doc No. 481254. Hennepin County, MN.

And Lot 16 Block 21, Forest Heights, Hennepin County, MN.

Proposed Use: Surface parking lot.

Concurrent Review:

Petition to rezone the properties of 2310 and 2312 Penn Avenue North to add the TP Transitional Parking Overlay District.

Conditional use permit to allow a parking lot.

Variances to reduce the front yard requirement along Penn Avenue and the interior side yard and rear yard adjacent to the alley to allow the parking lot, bike racks, walkway and a trash enclosure.

Variances of the TP overlay district standards requiring that the parking lot abut the property being served and that the parking lot not exceed 75 feet in width.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) "To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations" and (20) "To vary the standards of any overlay district…"; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a 23 space parking lot located at the properties of 2310 and 2312 Penn Avenue North. The site is currently vacant. The parking lot would serve a multi-tenant commercial building, "Delisi's", located at 2119 West Broadway. Although the building is currently not occupied, it will be renovated as part of a redevelopment project in response to a city RFP. The Center for Communication Development/KMOJ radio would occupy the second floor. Tenants have not yet been found for the first floor; however, the applicant has indicated that they are marketing part of the first floor for a sit-down restaurant. At this time, no land use applications are required for the renovation of the building or the identified tenants.

The site is currently zoned R4. The property of 2119 West Broadway is zoned C2. A radio station, a sit-down restaurant, and most other nonresidential uses allowed in the commercial district are not allowed to provide parking in any residential districts. The addition of the Transitional Parking overlay would allow a parking lot for use by a commercial district. A parking lot in the TP overlay requires a conditional use permit and site plan review.

Specific standards apply to parking lots located in the TP overlay district. Parking lots are required to have a side lot line that abuts the zoning district served or must be part of the zoning lot served. The parking lot would be separated from the zoning lot being served by a public alley and a small portion of an adjacent property. Also, the maximum width allowed is 75 feet. The parking lot would be 111 feet wide. Variances are required for not complying with these standards. Another standard that the proposal would not comply with is closing off the parking lot with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. Through the conditional use permit, the applicant is requesting that the Planning Commission authorize the parking lot to be used 24 hours a day.

A front yard is required along Penn Avenue. In the R4 district, the minimum front yard requirement is equal to 15 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 20.5 feet, therefore the established setback is applied. The proposed

parking area would be set back between 7 and 15 feet. At the north end of the site, a 7-foot wide walkway, bike racks and a trash enclosure would encroach into the required front yard. As proposed, they are not permitted obstructions. Variances are required.

Interior side and rear yards are required along the alley. The minimum set back required is 5 feet. Portions of the parking area and the trash enclosure would encroach into these yards. Variances are required.

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

REZONING: Petition to rezone the properties of 2310 and 2312 Penn Avenue North to add the TP Transitional Parking Overlay District to the R4 Multiple-Family District.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

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

The site is adjacent to Penn Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also to a designated commercial node at the intersection of Broadway and Penn. According to the principles and polices outlined in the plan, the following apply to this proposal:

4.2 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.

Applicable Implementation Step

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

The *West Broadway Alive!* plan is currently being drafted. The draft plan designates the land use for the site as medium density residential. The draft also supports the commercial node at Broadway and Penn.

Staff comment: The property to be served by the proposed parking lot is located on the Penn Avenue community corridor and the Penn and Broadway neighborhood commercial node. The building is proposed to be renovated as multi-tenant commercial. The applicant has indicated that the rezoning is necessary to provide parking for employees and customers. The TP overlay district would limit the expansion of the neighborhood commercial node because the R4 district would remain as the underlying zoning district and the provisions of the R4 district, such as yard requirements, would still apply. Parking lots in the TP overlay district are subject to standards that are intended to minimize the impact of nonresidential parking lots on surrounding properties. The proposed rezoning is consistent with these goals of *The Minneapolis Plan*.

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

The parking lot would serve a building that is located in a neighborhood commercial node and on a commercial and community corridor. Once renovated, the building is proposed to house commercial tenants that would provide services to the surrounding neighborhoods. The applicant has indicated that having off-street parking available is key to the success of the development. The amendment is in the public interest and not solely in the interest of the property owner.

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 site is located across an alley from properties that front Broadway Avenue and are predominantly occupied by nonresidential uses zoned C2. Other nonresidential properties in the immediate area are located along Broadway Avenue and are zoned C1 and C2. These commercial properties are located in the Pedestrian Oriented Overlay District as well. Properties to the south and west of the site are predominantly residential. The only residential property directly adjacent to the site is zoned R4. Other surrounding residential areas are zoned OR2, R1A, R2B and R4. Within 300 feet of the subject site, several properties located on McNair Avenue have the Transitional Parking Overlay District. These properties are adjacent to a commercially zoned property with frontage on West Broadway. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

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 district primarily allows residential uses of low to medium density. Only a few nonresidential uses, such as a preschool, child care center and place of assembly, could be

allowed on this site because of its size. Although reasonable use of the property is allowed in the R4 district, the R4 zoning does not allow parking for commercial use.

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.

In 1991, a rezoning study was adopted that changed the zoning of properties located in the R3 district. Properties in the immediate area that are now zoned R1A were included in that study. In 2003, the properties of 2119 and 2125 West Broadway were rezoned from C1 to C2 and the PO overlay district was added to commercially zoned properties on West Broadway in this area.

CONDITIONAL USE PERMIT: to allow a surface parking lot with 23 spaces.

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.

One of the standards of the overlay district requires that the parking lot be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. to prevent unauthorized use of the parking lot when businesses are not open to the public. The applicant is requesting that the Planning Commission not require gating the lot and authorize use of the parking lot 24-hours a day because KMOJ operates at all times of the day. Police safety has requested that the applicant close the parking lot after hours because nefarious activity has occurred on the site in the past. Staff believes use of the parking lot for KMOJ radio employees between 10:00 p.m. and 6:00 a.m. is reasonable and closing the parking lot would be inconvenient for those employees. However, staff is recommending that the applicant provide a gate or other appropriate mechanism to have the ability to close off the parking lot if problems arise. The applicant is also encouraged to post the hours the parking lot is open to the public at the entrance of the parking lot. The establishment of a parking lot on the site should not prove detrimental to public health, safety, comfort or general welfare provided that the recommended crime prevention design elements in the site plan review section of this report and the gate at the parking lot entrance are implemented.

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 parking lot would serve an existing building, which currently does not have any on-site parking. The applicant is requesting that the Planning Commission not require gating the lot and

authorize use of the parking lot 24-hours a day. Staff is recommending that the Planning Commission allow the use of the parking lot 24-hours a day, but require the applicant provide a gate or other appropriate mechanism to have the ability to close off the parking lot if problems arise. With the ability to close off the parking lot and the implementation of the landscaping and screening requirements of Chapter 530 Site Plan Review, the use should have little effect on other surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from Penn Avenue. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The parking lot would contain 23 parking spaces, including one van-accessible handicap spaces. Vehicle access is proposed through one curb cut on Penn Avenue. The development proposal for the 2119 West Broadway building included 5 tenant spaces with the largest space at 4,760 square feet. At a minimum, 4 parking spaces are required for each tenant space. The applicant has indicated that they are trying to find a sit-down restaurant to occupy one of the first floor tenant spaces. Restaurants have a higher parking requirement than most other commercial uses. The parking that is proposed would not greatly exceed what would be required by the zoning code. The parking lot should have little effect on congestion in the streets.

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

The site is adjacent to Penn Avenue, which is designated as a community corridor by *The Minneapolis Plan*. It is also to a designated commercial node at the intersection of Broadway and Penn. In addition to the principles and polices identified in the rezoning section of this report, the following apply to this proposal:

4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.

Applicable Implementation Steps

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic, reduced visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Require the landscaping of parking lots.

9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Applicable Implementation Steps

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

Require screening and buffering for new developments next to residential areas.

Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

Staff comment: The parking lot would be used by a multi-tenant commercial building located in a commercial node. The site is adjacent to one residential property. Where the site is adjacent to the residence, the parking lot would comply with all landscaping, screening, lighting and yard requirements, with the exception of the front yard. However, the landscaping and screening proposed should provide a sufficient buffer between the uses. KMOJ radio is one of the proposed tenants. They would operate 24-hours a day although they would not be open to the public after regular business hours. Employees using the parking lot between the hours of 10:00 p.m. and 6:00 a.m. should have little effect on nearby residential properties. The proposed parking lot would be consistent with the comprehensive plan.

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 use of the site for a parking lot will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permit, variances, and site plan review.

VARIANCES: 1) to reduce the front yard requirement along Penn Avenue and **2)** to reduce the interior side yard and rear yard adjacent to the alley to allow the parking lot and a trash enclosure.

Findings as required by the Minneapolis Zoning Code:

1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Front: A front yard is required along Penn Avenue. In the R4 district, the minimum front yard requirement is equal to 15 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 20.5 feet, therefore the established setback is applied. The parking spaces located closest to the adjacent residence would be set back 15 feet. The rest of the parking area that projects into the required yard is a drive aisle, which would be set back 7 feet from the front lot line. At the north end of the site, a 7 foot wide walkway, bike racks and a trash enclosure would encroach into the required front yard. If the

parking area and obstructions were set back to meet this requirement, at least 5 parking spaces would be eliminated. It is likely that the minimum zoning code parking requirements for the tenant spaces in the 2119 West Broadway building would be at least 23 spaces. The parking lot would be screened and landscaped as required by Chapter 530 Site Plan Review. The trash enclosure and bike racks are adjacent to the alley, which is across from a nonresidential property. The proposed set back would be reasonable.

Interior side and rear: Interior side and rear yards are required along the alley. The minimum set back required is 5 feet. Part of two parking spaces, a drive aisle, and the trash enclosure would encroach into these yards because the site is an odd, somewhat triangular shape. If the parking were to comply with these yard requirements, three parking spaces would be eliminated. The applicant has indicated that this parking is essential for leasing the tenant spaces at 2119 West Broadway. The parking is adjacent to an alley and nonresidential uses are located across the alley. The request is reasonable.

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.**

Front: The site is an odd, somewhat triangular shape, which restricts parking configuration. The site is only adjacent to a residential property on the south side. These circumstances have not been created by the applicant.

Interior side and rear: The site is an odd, somewhat triangular shape. The parking is adjacent to an alley and nonresidential uses are located across the alley. These circumstances are unique and have not been created by the applicant.

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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses.

Front: The adjacent residence is set back 20.5 feet from the front lot line. The parking would be set back 15 feet where it is closest to the residential property. Also, the parking lot would be screened and landscaped as required by Chapter 530 Site Plan Review. The granting of the variance should have little effect on the surrounding properties.

Side and rear: The side and rear yards where the parking would be an obstruction are adjacent to an alley. The uses located on the opposite side of the alley are nonresidential. Bollards would be provided along the alley to separate it from the parking area. Staff is also recommending that the applicant provide a fence along the alley. The granting of the variances should have little effect on the surrounding properties.

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.

Front, side and rear: The CPED Department does not expect that granting the variances would affect congestion or public safety.

VARIANCES: Variances of the TP overlay district standard requiring that **1)** the parking lot abut the property being served and that **2)** the parking lot not exceed 75 feet in width.

Findings as required by the Minneapolis Zoning Code:

1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Side lot line abutment: One of the standards of the TP overlay district requires that the parking lot parcel share a side line of the property being served. The site of the proposed parking lot is separated from the property to be served, 2119 West Broadway, by an alley and a small part of another commercially zoned property that is less than 20 feet in width. The existing building at 2119 West Broadway does not allow for any on-site parking. Parking cannot be provided on the properties that shares a lot line with 2119 West Broadway because a building exists on one property and the other property is too small for any legally sized parking spaces. The applicant has indicated that the lack of parking would significantly affect the marketability of tenant spaces in the 2119 West Broadway building. The request is reasonable.

Width: The maximum allowed width of a parking lot located in the TP overlay district is 75 feet. At its widest, the proposed parking lot would be 111 feet. The site is an odd, somewhat triangular shape. In order to maximize the number of parking spaces that would fit on the site, the parking lot would need to be wider than 75 feet. The applicant has indicated that the lack of parking would significantly affect the marketability of tenant spaces in the 2119 West Broadway building. The request is reasonable.

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.

Side lot line abutment: The existing building at 2119 West Broadway does not allow for any on-site parking. Parking cannot be provided on the properties that shares a lot line with 2119 West Broadway because a building exists on one property and the other property is too small for any legally sized parking spaces. These circumstances are unique and have not been created by the applicant.

Width: The site is an odd, somewhat triangular shape. These circumstances are unique and have not been created by the applicant.

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.

Side lot line abutment and width: The purpose of the TP overlay standards includes minimizing the impacts of allowing parking for a commercial use in a residential district on surrounding properties and limiting the expansion of commercial parking into primarily residential neighborhoods. The parking lot would be adjacent to only one residential property and would be screened and landscaped as required by Chapter 530 Site Plan Review. Also, there is not an excessive amount of parking proposed. The granting of the variance should have little effect on the surrounding properties.

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.

Side lot line abutment and width: The CPED Department does not expect that granting the variances would significantly affect congestion or public safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of the Zoning Code

BUILDING PLACEMENT AND DESIGN:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**

- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses:**
    Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
    a. Windows shall be vertical in proportion.
    b. Windows shall be distributed in a more or less even manner.
  - **Nonresidential uses:**
    Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
    a. Windows shall be vertical in proportion.
    b. Windows shall be distributed in a more or less even manner.
    c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
    Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

A building is not existing or proposed.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

A building is not existing or proposed on the site. However, the parking lot is intended to serve the building located at the property of 2119 West Broadway. This property has frontage on Penn Avenue as well. A 7-foot wide, concrete walkway would connect the parking area to the Penn Avenue sidewalk. Lighting is also provided in the parking area.

A transit shelter is proposed or adjacent to the site.

A 22-foot wide curb cut is proposed on Penn Avenue. It is located more than 40 feet from the closest residential property. Alley access is not proposed. The proposed parking should have minimal impact on pedestrians and surrounding residential properties.

The maximum amount of impervious surface allowed in the R4 district is 85 percent of the lot area. Approximately 71 percent of the site would be covered by impervious surfaces. The parking spaces and drive aisles do not exceed the minimum size requirements. The amount of impervious surface proposed is not excessive.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**
- **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.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 11,858 square feet. A building is not proposed, therefore at least 2,371.6 square feet must be landscaped. Approximately 3,687 square feet of the site would be landscaped. That is equal to 29 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 5 and 24 respectfully. The applicant would provide 7 canopy trees and 89 shrubs on-site. The applicant is also proposing 2 ornamental trees and 30 shrubs in the right-of-way. The remainder of the landscaped area would be covered with plants such as native grasses and perennial flowering plants.

The surface parking area is located adjacent to Penn Avenue on the west side and to a residence on the south side. Landscaped yards and screening are required along these sides.

- Along a public street, a landscaped yard at least 7 feet wide is required, except where a greater yard is required. The minimum front yard requirement is 20.5 feet. The applicant is requesting a variance to reduce it to 7 feet. A tree is provided for every 25 feet of parking lot frontage along the street. Screening that is 3 feet in height and at least 60 percent opaque is also required. A landscaped hedge would be provided along Penn Avenue and a 3-foot high cedar fence would be provided in the required front yard adjacent to the neighboring residential property.

- A 7 foot landscaped yard that contains at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space is required between the parking area and the adjacent residential property. The area of the required landscaped yard is approximately 800 square feet in area. The tree and shrub requirement in this area is 2 and 8 respectively. A 7 foot wide yard is proposed that would contain 20 shrubs. Staff is recommending that alternative compliance be granted for the location of the trees because a bio-filtration swale is proposed in this area and the total number of trees proposed on the site exceeds the minimum requirements. Screening that is 6 feet in height and 95 percent opaque is also required. A cedar fence is proposed that meets this requirement.

Areas of the parking lot not available for parking spaces or vehicular circulation would be landscaped.

All parking spaces would be within 50 feet of an on-site deciduous tree.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Conformance with above requirements:

The parking area would be defined by 6 inch by 6 inch concrete curbing. In various locations, the curbing is discontinued to allow on-site filtration of stormwater in a biofiltration area at the south end of the site.

The elements of the site plan should not impede any views of important elements of the city.

No buildings are proposed that would shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility. Between the street and the parking area, the proposed shrubs and trees will allow views between 3 and 7 feet. Adequate lighting would also be provided. Along the front lot line, a row of shrubs would control and guide movement on the site and distinguish between public and private spaces. A fence on the south side of the property would provide separation from the adjacent residence. Along the alley, the applicant has proposed bollards to control vehicle movement. However, pedestrian movement from the alley to the parking area would be unrestricted. Police Safety has requested that a minimum 3-foot high fence be provided along the alley to control pedestrian access. Staff is recommending that the applicant provide a fence between 3 and 4 feet along the alley.

No structures exist on the site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The site is currently zoned R4. The applicant is proposing to add the TP overlay to allow a parking lot for use by a multi-tenant commercial building located at 2119 West Broadway because nonresidential uses first allowed in a commercial district are not allowed to parking in a residential district. A parking lot in the TP overlay requires a conditional use permit.

Parking and Loading: The property of 2119 West Broadway currently has no parking. Twenty-three parking spaces are proposed for use by that property, including one handicap van-accessible space. All parking spaces and drive aisles comply with the minimum size requirements, except for the parking space at the far east end of the site. A standard space requires a depth of 18 feet with a 22 foot drive aisle. The width is too narrow here to accommodate these dimensions. However, a compact space with a minimum depth of 15 feet would fit here. Staff is recommending that this space is designated as compact.

Maximum Floor Area: Not applicable.

Minimum Lot Area: Not applicable.

Building Height: Not applicable.

Yard Requirements: A front yard is required along Penn Avenue. In the R4 district, the minimum front yard requirement is equal to 15 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 20.5 feet, therefore the established setback is applied. The proposed parking area would be set back between 7 and 15 feet. At the north end of the site, a 7 foot wide walkway, bike racks and a trash enclosure would encroach into the required front yard. As proposed, they are not permitted obstructions. The applicant is requesting a variance to reduce the front yard requirement and allow the aforementioned obstructions.

Interior side and rear yards are required along the alley. The minimum set back required is 5 feet. Portions of the parking area and the trash enclosure would encroach into these yards. The applicant is requesting variances.

Maximum Impervious Surface: The maximum amount of impervious surface allowed in the R4 district is 85 percent of the lot area. The proposed lot size is 11,858 square feet, therefore not more than 10,079 square feet of impervious area is allowed. A total of 8,419 square feet of impervious surfaces (71 percent of the site) are proposed.

Standards of the Overlay District: The parking lot is subject to the Transitional Parking Overlay District standards outlined in section 551.430.

551.430. Conditional uses. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the TP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

(1) Parking lot, serving customers and employees only. Parking lots for customer and employee automobiles may be located in the TP Overlay District, subject to Chapter 541, Off-Street Parking and Loading, and the following 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.

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.

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.

e. The parking lot shall at no time 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.

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

The parking lot would comply with standards c, e, f and g. The parking lot would be separated from the zoning lot being served by a public alley and a small portion of an adjacent property. The parking lot would be 111 feet wide. The applicant is requesting to vary standards a and b. Through the conditional use permit, the applicant is requesting that the Planning Commission authorize the parking lot to be used 24 hours a day.

Hours of Operation: Please see the conditional use permit section of this report.

Refuse screening: Refuse storage containers are required to be effectively screened from the street and residential properties with materials that comply with the fencing standards in Chapter 535 of the zoning code and not less than two feet higher than the refuse container. Refuse would be stored in a trash enclosure at the north end of the site. The applicant has indicated that the enclosure would be constructed of masonry. To deter graffiti, staff is recommending that plain-face concrete block not be used and encourages the applicant to apply a paraffin wax or other substance that removes graffiti more easily.

Lighting Requirements: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. *(a) In general*. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).

(2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.

(4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.

(5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Light poles are also limited to 35 feet in height. The proposed lighting plan complies with these requirements.

Screening of mechanical equipment: No mechanical equipment is proposed.

Signs: Residential district standards would apply to any signage on the site. No signage is proposed. However, if the applicant posts the hours the parking lot is open to the public at the entrance of the parking lot, the sign must comply with section 543.190 Auxiliary Signs of the zoning code.

MINNEAPOLIS PLAN: Please see the rezoning and conditional use permit sections of this report.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant for the following standard:

A 7 foot landscaped yard that contains at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space is required between the parking area and the adjacent residential property. The area of the required landscaped yard is approximately 800 square feet in area. The tree and shrub requirement in this area is 2 and 8 respectively. A 7 foot wide yard is proposed that would contain 20 shrubs. Staff is recommending that alternative compliance be granted for the location of the trees because a bio-filtration swale is proposed in this area and the total number of trees proposed on the site exceeds the minimum requirements.

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 petition to rezone the properties of 2310 and 2312 Penn Avenue North to add the TP Transitional Parking Overlay District.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a surface parking lot for the properties located at 2310 and 2312 Penn Avenue North, 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. Closing of the parking lot between the hours of 10:00 p.m. and 6:00 a.m. shall not be required. However, a secured gate or other appropriate mechanism shall be provided at the entrance to have the ability to close off the parking lot if problems arise. The applicant is encouraged to post the hours the parking lot is open to the public at the entrance.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for variances to reduce the front yard requirement along Penn Avenue and the interior side yard and rear yard adjacent to the alley to allow the parking lot, bike racks, walkway and a trash enclosure for the properties located at 2310 and 2312 Penn Avenue North.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for variances of the TP overlay district standards requiring that the parking lot abut the property being served and that the parking lot not exceed 75 feet in width for the properties located at 2310 and 2312 Penn Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a parking lot with 23 spaces for the properties located at 2310 and 2312 Penn Avenue North, 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. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 7, 2008, or the permit may be revoked for non-compliance.

3. A fence between 3 and 4 feet in height shall be provided along the alley to comply with CPTED principals as required by section 530.260 of the zoning code.

4. The parking space at the far, east end of the parking lot shall be designated and signed as a compact only space in order to comply with Table-541-4 of the zoning code.

5. To deter graffiti, the trash enclosure shall not be constructed of plain-face concrete block and the applicant is encouraged to apply a paraffin wax or other substance that removes graffiti more easily.

Attachments:

1. PDR comments
2. Statement of use
3. Findings
4. Zoning map
5. Plans
6. Photos