

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit and Variance
BZZ-4470

Date: July 27, 2009

Applicant: Truher, LLC

Address of Property: 2815 E Lake Street

Contact Person and Phone: Heron Lopez (651) 226-7854

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: June 30, 2009

End of 60 Day Decision Period: August 29, 2009

Ward: 9 Neighborhood Organization: Longfellow Community Council

Existing Zoning: C2 Neighborhood Corridor Commercial District, PO Pedestrian Oriented Overlay District

Zoning Plate Number: 27

Legal Descriptions: Not applicable

Existing Use: Mixed use building with retail and 7 dwelling units

Concurrent Review:

Conditional Use Permit: To increase the number of dwelling units from 7 to 8.

Variance: To reduce the minimum vehicle parking requirement.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX, Variances; Chapter 548 Commercial Districts

Background: Heron Lopez, on behalf of Truher, LLC, is proposing to increase the legal number of dwelling units from seven to eight for an existing multiple family dwelling located at 2815 E Lake Street. The subject site is located on E Lake Street, one lot west of 29th Avenue S. The site contains an existing mixed-use building with a retail store on the first floor, 7 conforming dwelling units and one dwelling unit that has not been legally established. The 8th unit is a one bedroom apartment that currently exists in the basement and has been in this location for an undeterminable period of time, at least back to 1991. Multiple family dwellings of five units or more require a conditional use permit in the C2 District. The City does not have record of any conditional use permits previously approved for the use.

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The applicant has also submitted an application to reduce the minimum vehicle parking requirement. However, since the publishing of the public hearing notice, it has been determined that the project no longer necessitates a parking variance.

As of writing this staff 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.

CONDITIONAL USE PERMIT (to increase the number of dwelling units from 7 to 8)

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings below 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.

The site is zoned C2 and contains an existing mixed use building. Conversion of the existing multiple family residential building on the site to allow one additional dwelling unit should not prove detrimental to public health, safety, comfort or general welfare, provided the development complies with all applicable licensing requirements and building codes. The Minneapolis Fire Department has inspected the building and found that it is in compliance with relevant life safety ordinances.

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 proposed 8th dwelling unit currently exists within the building and has been for an undetermined period of time. The additional dwelling unit will be provided within an existing area of the structure and should not impede on the normal or orderly development of surrounding property in the area. The C2 District requires 700 square feet of lot area per dwelling unit. The site has 7,488 square feet of lot area. Based on the lot area and the zoning classification, the subject property could support a density of up to 10 dwelling units. The requested number of units is within the permitted density for the site.

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

Roads and utilities are existing and adequate.

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

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No changes to access are proposed as part of the project. The site currently has one-way traffic circulation through the parking lot, with ingress off Lake Street and egress into the adjacent alley.

The parking vehicle parking requirement for the use is one space per dwelling unit. The site qualifies for a 10 percent reduction, as it is located within a Transit Station Area Pedestrian Oriented Overlay District. Therefore, the residential uses require seven parking stalls. The parking requirement for the retail use is one space for each 500 square feet in excess of 4,000 square feet, or a minimum of four spaces. The retail use within the building has grandfather rights to the four required spaces. A total of seven off-street parking stalls are required, and seven are provided.

5. **The conditional use is consistent with the applicable policies of the comprehensive plan.**

The Minneapolis Plan for Sustainable Growth designates this site as mixed use on the future land use map. This designation calls for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. The subject mixed use building is consistent with this future land use designation. The site is also located on Lake Street, which is identified as a commercial corridor. Specific policies that relate to the project are as follows:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.
- 1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.
- 1.10.5 Encourage the development of high-density housing on Commercial Corridors.

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

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Policy 9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

Applicable Implementation Steps

Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.

Develop an approach to residential development which combines housing form and housing density; for example, medium density residential development may be a townhouse development as well as a high-rise structure, while an attached dwelling form may result in a low density development or a medium density development.

The site is also located within the boundaries of the Lake Street/Midtown Transit Station area (TSA). The Minneapolis Plan for Sustainable Growth has several policies for transit station areas, of which the following are applicable to the request:

Policy 1.13: Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.

1.13.1 Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations.

1.13.5 Concentrate highest densities and mixed use development adjacent to the transit station and along connecting corridors served by bus.

Staff comment: The subject site contains an existing two-story building with a mix of uses. The surrounding area contains a mix of uses including office uses, a religious institution and multiple-family residential structures. A conditional use permit to allow eight dwelling units is consistent with the above policies of the *Minneapolis Plan for Sustainable Growth*.

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 existing parking lot contains seven spaces. Section 541.360 of the zoning code requires that all parking lots of four or more spaces be subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review. The parking lot is not striped to delineate the parking stalls and has minimal landscaping. Staff recommends that the parking lot be striped to identify all seven spaces. Staff also recommends that the applicant provide a landscaped yard no less than four feet in width along the south property line, between the parking area and the adjacent lot. Striping of the parking lot may trigger Preliminary Development Review.

The use of the site for a multi-family residence will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and the required, with the conditions recommended above.

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VARIANCE (to reduce the minimum vehicle parking requirement)

As stated above, it has been determined that the variance is not required to accommodate the additional dwelling unit. Staff recommends that the application for a variance to reduce the vehicle parking requirement be returned to the applicant.

RECOMMENDATIONS:

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 increase the number of dwelling units from 7 to 8 for an existing multiple-family dwelling located 2815 E Lake Street in the C2 Neighborhood Corridor Commercial District, subject to the following conditions:

1. The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
2. 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.
3. The parking lot shall be striped to delineate the seven parking spaces, in conformance with Section 541.320 of the Zoning Code.
4. A landscaped yard no less than four feet in width shall be provided along the south property line, between the parking area and the adjacent lot.

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

The CPED Planning Division recommends that the City Planning Commission **return** the variance to reduce the required number of off-street parking stalls for property located at 2815 E Lake Street.

Attachments:

1. Statements from applicant.
2. Zoning map.
3. Site plans and floor plans.
4. Photos.

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