

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variances
BZZ-3424

Date: June 11, 2007

Applicant: Andrew Residence

Address of Property: 1215, 1223 and 1231 9th Street South

Project Name: Andrew Residence Parking Lot

Contact Person and Phone: Wayde Johnson, (952) 224-9119

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

Date Application Deemed Complete: May 18, 2007

End of 60-Day Decision Period: July 17, 2007

Ward: 7

Neighborhood Organization: Elliot Park

Existing Zoning: R5 Multiple-Family District and DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Expand an accessory parking lot for a nursing home

Concurrent Review:

Conditional use permit to expand an accessory parking lot in the Downtown Parking Overlay District from 17 to 24 spaces.

Variance to increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 24.

Variance to reduce the required front yard along 9th Street South from 15 feet to 12 feet to allow a parking area.

Variance to reduce the required front yard along 13th Avenue South from 15 feet to 3.5 feet to allow a parking area.

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Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.” and Section 525.520(20) “to vary the standards of any overlay district....”

Background: The Andrew Residence nursing home, located at the properties of 1215-1223 9th Street South, is proposing to expand its parking area. The proposed parking would extend onto the property of 1231 9th Street South at the corner of 9th Street and 13th Avenue. Employees of the Andrew Residence currently park on an unpaved surface at 1231 9th Street South. However, the parking has not been legally established. The applicant proposes to legalize the parking. The paved parking area currently contains 17 spaces. An additional 7 spaces are proposed. The site is located at the southeast edge of downtown adjacent to Interstate-94. There are low- to high-density residential uses in the immediate area. The parking area is directly adjacent to two two-family dwellings.

An accessory parking lot in the DP overlay district is a conditional use. The maximum number of parking spaces allowed for an accessory parking lot in the DP overlay district is 20. The applicant is requesting a variance to increase the maximum to 24 spaces. The site is a reverse corner lot, therefore the yards along 9th Street and 13th Avenue are both front yards.

Correspondence from the Elliot Park neighborhood group was received and is attached to this report. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division 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 proposed parking area will include required improvements such as paving, striping, landscaping and curbing. Staff does not believe the proposed use will be detrimental to or endanger the public health, safety, comfort or general welfare.

- 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.**

There are low- to high-density residential uses in the immediate area. The parking area is directly adjacent to two two-family dwellings. The applicant is proposing landscaping and screening between the parking area and the adjacent residential properties and the street. A parking lot in compliance with the design and maintenance standards of Chapter 541 of the zoning code should have little impact to other surrounding properties.

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

The parking lot would continue to be accessed through the curb cut on 9th Street. The stormwater would drain to the proposed landscaped yards.

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

The minimum parking requirement for a nursing home is one space per three beds. The nursing home is allowed to have up to 212 beds. Therefore, 71 spaces are required. By providing more parking, the use would become more conforming to its parking requirement. The parking lot proposal should not significantly contribute to traffic congestion in the public streets.

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

The *Minneapolis Plan* has the following relevant policies:

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.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

The site is within an area designated as “downtown neighborhood” in the *Downtown 2010 Plan*. The plan has the following relevant policy:

Improve the appearance of downtown parking lots by providing landscaping and other visual enhancements.

Staff comment: The location of the existing building at the interior of the site and the surrounding properties limit where parking can be provided. The applicant is proposing landscaping and screening between the parking area and the adjacent residential properties and the street. Although the parking would not be located at the interior of the site, the parking area will become more consistent with the comprehensive plan as long as the design and maintenance standards of Chapter 541 of the zoning code are implemented.

The site is also within an area designated as “mixed use district” by the *Elliot Park Neighborhood Master Plan*. The plan identifies the following parking strategies for the district:

- Provide some on-street parking.
- Promote below grade parking for all new construction.

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- Encourage shared use of parking structures.
- Promote reduction of surface lots.

Staff comment: The proposal would increase the size of an existing surface parking lot. On-street parking is available in the immediate area. However, the existing building does not allow for below-grade parking, and there are not parking structures in the immediate area available for shared use.

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.

All surface parking areas are subject to design and maintenance standards required by Chapter 541 Off-Street Parking and Loading, specifically section 541.360 which states “Parking lots of ten (10) spaces or more shall be subject to the landscaping, screening and curbing requirements as specified in Chapter 530, Site Plan Review.”

The applicable provisions of Chapter 530 are as follows:

530.170. Parking and loading landscaping and screening. (a) *In general.* Parking and loading facilities, and all other areas upon which motor vehicles may be located, including but not limited to drive-through facilities, pump island service areas and stacking spaces, shall comply with the standards of this chapter and the applicable regulations of this zoning ordinance. Where this section requires a landscaped yard, such yard shall remain unobstructed from the ground level to the sky, except that fencing shall be allowed.

(b) *Parking and loading fronting along a public street, public sidewalk or public pathway.* Parking and loading facilities, and all other areas upon which motor vehicles may be located fronting along a public street, public sidewalk or public pathway shall comply with the following standards:

- (1) A landscaped yard at least seven (7) feet wide shall be provided along the public street, sidewalk or pathway, except where a greater yard is required. If a parking facility contains over one hundred (100) parking spaces, the minimum required landscaped yard shall be increased to nine (9) feet in width.
- (2) Screening consisting of either a masonry wall, fence, berm or hedge or combination thereof that forms a screen three (3) feet in height and not less than sixty (60) percent opaque shall be provided, except that where areas are devoted principally to the parking or loading of trucks or commercial vehicles of more than fifteen thousand (15,000) pounds screening six (6) feet in height and not less than sixty (60) percent opaque shall be required.
- (3) Not less than one (1) tree shall be provided for each twenty-five (25) linear feet or fraction thereof of parking or loading area lot frontage.

(c) *Parking and loading abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.* Parking and loading

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facilities and all other areas upon which motor vehicles may be located that abut or are across an alley from a residence or office residence district or a permitted or conditional residential use shall comply with the following standards:

- (1) A landscaped yard at least seven (7) feet wide shall be provided along the property line or alley, except where a greater yard is required. If a parking facility contains over one hundred (100) parking spaces, the minimum required landscaped yard shall be increased to nine (9) feet in width.
- (2) Screening at least ninety-five (95) percent opaque shall be provided as specified in section 530.150(b).
- (e) *Distance to trees.* 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.

530.230. Concrete curbs and wheel stops. 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.

The applicant is requesting variances to reduce the required front yards as part of this application. A 5 foot wide, landscaped interior side yard would be provided between the parking area and the adjacent residential properties. To provide the required screening between the parking area and the street, the applicant has proposed landscaping. The screening must also be provided between the parking area and the street north of the curb cut. Between the parking area and the adjacent residence located at 908 13th Avenue South, a fence would be provided. The fence must be at least 6 feet tall and 95 percent opaque and extended to also screen the residential property of 912 13th Avenue South. Six canopy trees are required to meet the requirement for providing one tree for every 25 feet of parking lot frontage. The applicant has proposed three trees. Three additional trees will need to be provided. Not all of the parking spaces would be within 50 feet of an on-site tree. The applicant must provide additional trees at the south-westerly end of the parking area to comply. The parking area slopes towards 9th Street. The applicant is proposing concrete curb stops to allow on-site filtration of storm water. Staff is recommending that all of the landscaping, screening and curbing requirements be met, except the yard width requirements shall be as shown on the plan. The entire parking lot would conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances and implementation of the required landscaping, screening and curbing.

VARIANCE: (1) to increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 24, (2) to reduce the required front yard along 9th Street South from 15 feet to 12 feet to allow a parking area, and (3) to reduce the required front yard along 13th Avenue South from 15 feet to 3.5 feet to allow a parking area.

Findings as required by the Minneapolis Zoning Code:

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

Variance to increase the number of spaces: In the Downtown Parking overlay district, the number of parking spaces are not allowed to exceed 20 to preserve significant and useful buildings, to protect the unique character of the downtown area and the mixed-use downtown neighborhoods, and to encourage higher density development in the downtown area by restricting the establishment or expansion of surface parking lots. Twenty-four spaces are proposed. The minimum parking requirement for a nursing home is one space per three beds. The nursing home is allowed to have up to 212 beds. Therefore, 71 spaces are required. According to the applicant, the number of employees driving to work exceed the number of spaces provided. By providing more parking, the use would become more conforming to its parking requirement. The request is reasonable.

Variance to reduce the front yard requirements: The subject site is a reverse corner lot because the lot lines adjacent to 9th Street and 13th Avenue are a continuation of the front lot line of the adjacent property. Therefore the yards adjacent to these streets are both front yards. The minimum front yard requirement is 15 feet unless the setback of an adjacent structure is greater. The adjacent residential structure on 9th Street is built up to the front lot line. The adjacent residential structure on 13th Avenue is set back 7.5 feet from the front lot line. Therefore a 15 foot front yard is required along both streets. The parking area would be set back between 3.5 feet and 6.5 feet along 13th Avenue. The 3.5 foot setback is proposed to allow maneuvering area for the end parking spaces. The parking area would be set back 12 feet along 9th Street. Because the setbacks of the adjacent buildings are less than 15 feet, the proposed parking area location would be 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.

Variance to increase the number of spaces: The site is odd-shaped. The nursing home building exists and is located at the interior of the site leaving a small, L-shaped area available for parking. The properties around the site are developed. For these reasons, it would be difficult to provide structured parking in the area not already occupied by buildings. The applicant has indicated that parking restrictions exist on the nearby streets limiting the amount of parking available to employees. These circumstances are unique to the parcel and have not been created by the applicant.

Variance to reduce the front yard requirements: The site is odd-shaped. The nursing home building exists and is located at the interior of the site leaving a small, L-shaped area available for parking. The properties around the site are developed. For these reasons, it would be difficult to provide structured parking in the area not already occupied by buildings. These circumstances are unique to the parcel 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.**

Variance to increase the number of spaces: The purpose of the DP overlay district is to preserve significant and useful buildings and to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. The expansion of the parking area would not require the demolition of any existing structures (a residential structure that once occupied the area where the parking lot expansion is proposed was demolished in 1984). The applicant is proposing to landscape and screen the parking lot from adjacent residential uses and the street. The granting of the variance should not significantly affect the surrounding uses.

Variance to reduce the front yard requirements: In general, minimum yard setback requirements are established by the code to minimize conflicts among land uses and to provide open yards compatible with the residential surroundings. The adjacent residential structure on 9th Street is built up to the front lot line. The adjacent residential structure on 13th Avenue is set back 7.5 feet from the front lot line. The applicant is proposing to provide landscaping and screening between the parking area and the residences. The granting of the variances should have little effect on the surrounding properties and are in keeping with the intent of the ordinance.

4. **The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Variance to increase the number of spaces: Granting of the variance should not increase the danger of fire, be detrimental to the public welfare, or endanger the public safety. The minimum parking requirement for a nursing home is one space per three beds. The nursing home is allowed to have up to 212 beds. Therefore, 71 spaces are required. By providing more parking, the use would become more conforming to its parking requirement and reduce the number of cars parking on the street. The parking lot proposal should not significantly contribute to traffic congestion in the public streets.

Variance to reduce the front yard requirements: Granting of the variance should not increase the danger of fire, be detrimental to the public welfare, or endanger the public safety. The minimum parking requirement for a nursing home is one space per three beds. The nursing home is allowed to have up to 212 beds. Therefore, 71 spaces are required. By providing more parking, the use would become more conforming to its parking requirement and reduce the number of cars parking on the street. The parking lot proposal should not significantly contribute to traffic congestion in the public streets.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to expand an accessory parking lot in the Downtown Parking Overlay District from 17 to 24 spaces located at the properties of 1215, 1223 and 1231 9th Street South, subject to the following conditions:

1. The parking area shall be in compliance with the provisions of Chapter 541 affecting landscaping, screening and curbing.
2. All site improvements shall be completed by September 30, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

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 variance to increase the maximum number of spaces allowed in an accessory parking lot in the DP Overlay District from 20 to 24 for the properties located at 1215, 1223 and 1231 9th Street South.

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 variance to reduce the required front yard along 9th Street South from 15 feet to 12 feet to allow a parking area located at the properties of 1215, 1223 and 1231 9th Street South.

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 variance to reduce the required front yard along 13th Avenue South from 15 feet to 3.5 feet to allow a parking area located at the properties of 1215, 1223 and 1231 9th Street South.

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Attachments:

1. PDR comments
2. Zoning data sheet
3. Findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos