

Department of Community Planning and Economic Development - Planning Division Report

Variance Request
BZZ-4079

Date: July 17, 2008

Applicant: Bob Gustafson (consultant on behalf of Diamond Lake Lutheran Church)

Address of Property: 5760 Portland Avenue South

Contact Person and Phone: Bob Gustafson, (612) 669-5131

Planning Staff and Phone: Aaron Hanauer, (612) 673-2494

Date Application Deemed Complete: May 28, 2008

Publication Date: July 11, 2008

Public Hearing: July 17, 2008

Appeal Period Expiration: July 28, 2008

End of 120 Day Decision Period: September 25, 2008

Ward: 11 **Neighborhood Organization:** Hale, Page, Diamond Lake Community Association

Existing Zoning: R1/Single-Family District and SH/Shoreland Overlay District

Proposed Use: Parking lot repaving and re-striping project

Proposed Variances:

- A variance to reduce the required off-street parking landscaping requirements along the front, south interior, and rear property lines;
- A variance to not require screening along the front and south interior property lines.

Zoning code section authorizing the requested variance: 525.520 (25) (25)

Background: The subject property is located on the southeast side of Diamond Lake. The parcel is zoned R1/Single-Family District and is in the Shoreland Overlay District. The property is 57,075 sq. ft. and contains a two-story church which was built in 1940.

CPED Planning Division
BZZ-4079

The properties within a 350 foot radius are zoned R1/Single Family. The parcel that is between the subject property and Diamond Lake is owned by the Minneapolis Park and Recreational Board (see Appendix B6).

In the fall of 2007, the applicant provided the City of Minneapolis plans for a repaving and re-striping requirements. Repaving and re-striping projects do not require a building permit, but must meet the requirements of the following City of Minneapolis disciplines: Zoning, Right-Of-Way, Street Design, Traffic and Parking, and Police Safety. The multi-discipline review takes place at a Preliminary Development Review (PDR) meeting. As part of this review, CPED-Zoning required that the parking lot meet the seven-foot landscaping requirements along the eastern (front), southern (interior side) and western (rear) property lines per 530.170 (b) (1) and 530.170 (c) (1) of the Minneapolis Zoning Code.

In addition, CPED-Zoning notified the applicant that the proposal does not meet the screening requirement along the eastern (front) property line per Provision 530.170 (b) (2) and the screening requirements along the southern (interior) property line per Provision 530.160 (b).

530.170 (b) (2) *Parking and loading fronting along a public street.* 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.

530.160 (b) *Required screening.* Where screening is required by this zoning ordinance, such 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. Required screening shall be at least ninety-five (95) percent opaque throughout the year, unless otherwise specified. Required screening shall be satisfied by one (1) or a combination of the following: A decorative fence, a masonry wall, or hedge.

Proposal: The applicant proposes to repave and re-stripe the 22,400 square foot parking lot. The proposed parking lot would accommodate 54 parking spaces. This is 15 spaces less than what would be required if the Diamond Lake Lutheran Church was built today.

The proposed repaving and re-striping project includes only a few changes to existing conditions. The most significant change proposed is to the western extent of the parking lot. Currently, the parking lot extends onto the Minneapolis Park and Recreation Board (MPRB) land along the western property line (see Appendix B6). With this project, the applicant proposes to convert 225 square feet of impervious surface along the western property line into plantings that are similar to those on the MPRB land. The proposed parking lot would then be setback two feet from the western property line.

The landscaped yards along the southern and eastern property lines are proposed to remain the same. The parking lot is currently setback 3.5 foot feet from the southern (interior) property line. Along the front property line there is a landscaped area on the south that ranges from 2.5 feet to approximately 8 feet in width (see Appendix B3). This area contains shrubs that are approximately 24 inches in height. The area between the two curb cuts is approximately 7 feet in width and contains an impervious surface with three bollards; this does not meet the Minneapolis Zoning Code landscaped yard requirements.

The applicant does not propose additional screening as part of the repaving and re-striping project. Currently, there exists screening along the interior (southern) property line behind the front yard setback (see Appendix B11 and B12). This screening meets the intent of the zoning code requirements. However, the interior property line portion in the front yard setback is not in compliance with the screening requirements of Minneapolis Zoning Code provision 530.160 (b). In addition, the applicant is not proposing to add screening along the front (eastern) property line to meet the requirements of 530.170 (b).

Public Comment: CPED notified property owners within 350 ft. of the variance request. No comments were received as of July 7, 2008.

Findings Required by the Minneapolis Zoning Code:

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

Landscaped Yard Requirements (Interior and Rear): The applicant has requested a variance to reduce the required landscape yard requirements for the southern (interior) and western (rear) property lines. Strict interpretation of the Zoning Code would require seven-foot landscaped yards along these property lines. CPED recognizes the combination of two aspects as a hardship. First, the property contains fewer parking spaces than the Zoning Code currently requires for a religious institution of this size. The applicant is proposing a parking plan that provides 54 spaces. A church of this size, if it was built today, would require 69 parking spaces. If the church is required to meet the landscaping requirements along the southern and western property lines it will likely further reduce the number of off-street parking spaces. Second, the on-street parking situation along Portland Avenue South is not ideal. Portland Avenue South is a county road highway (CR-35) with high traffic volume (12,300 daily vehicles) and a 35 mile per hour speed limit which is higher than many city streets.

Landscaped Yard Requirements (Front): The applicant has requested a variance to reduce the required landscape yard requirements for the eastern (front) property line of the parking lot. Strict interpretation of the Zoning Code would require seven-foot landscaped yards along this property line. CPED-Planning does not recognize a hardship on this lot for this variance request. In addition, CPED-Planning believes that alternatives exist that would not require this variance and not reduce the number of off-street parking spaces.

Screening Front Property Line: The applicant has requested a variance to reduce the required screening requirement along the eastern (front) property line. Strict interpretation of the Zoning Code would require screening consisting of either a masonry wall, fence, berm or hedge or combination thereof that forms a screen three feet in height and not less than sixty percent opaque. CPED does not recognize a hardship on this lot for this variance request, and believes that alternatives exist that would not require this variance and not reduce the number of off-street parking spaces.

Screening Interior Property Line: The applicant has requested a variance to reduce the required screening requirement along the southern (interior) property line. Strict interpretation of the Zoning Code would require screening at least 95 percent opaque that is at least three feet in height in the front yard setback. CPED does not recognize a hardship on this lot for this variance request, and believes that alternatives exist that would not require this variance and not reduce the number of off-street parking spaces.

- 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.**

Landscaped Yard Requirements (Interior and Rear): The subject site contains a parking lot with 54 parking spaces. This is 15 spaces less than what the Zoning Code would require if this building was built today. Requiring the applicant to meet the seven-foot landscaped requirements along the southern and western property lines would likely further reduce the number of off-street parking spaces the subject property can provide.

Landscaped Yard Requirements (Front): The circumstances are not unique to the parcel of land for which the variance is sought. Even though the parking lot was built prior to the off-street parking, landscaping, and screening requirements, CPED-Planning believes that the applicant can meet the seven-foot landscape yard requirement along the eastern (front) property line without reducing the number of off-street parking spaces.

Screening Front Property Line: The circumstances are not unique to the parcel of land for which the variance is sought. Even though the parking lot was built prior to the off-street parking, landscaping, and screening requirements, CPED-Planning believes that the applicant can meet the three-foot high screening requirements without reducing the number of off-street parking spaces and without reducing public safety.

Screening Interior Property Line: The circumstances are not unique to the parcel of land for which the variance is sought. Even though the parking lot was built prior to the off-street parking, landscaping, and screening requirements, CPED-Planning believes that the applicant can meet the three-foot screening requirements without reducing the number of off-street parking and without reducing public safety.

- 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.**

Landscaped Yard Requirements (Interior and Rear): The landscape and screening requirements are part of the site plan review requirements of Chapter 530 of the Zoning Code.

The purpose of the landscape and screening requirements of the zoning code is to promote development that is compatible with nearby properties, natural features and plans adopted by the city council, as well as to minimize pedestrian and vehicular conflict, to promote public safety, and to visually enhance development. Granting of the variance to allow for landscaped yards less than seven feet along the southern and western property lines will be keeping with the spirit and intent of the ordinance if other measures are taken to visually enhance the parking lot, such as increased screening along the eastern and southern property lines and increased landscaping along the eastern property line.

Landscaped Yard Requirements (Front): Granting of the front landscaped yard requirement will not be keeping with the spirit and intent of the ordinance. The intent of the parking lot screening requirements are to promote development that is compatible with nearby properties, natural features, as well as to minimize pedestrian and vehicular conflict, to promote public safety, and to visually enhance development. CPED-Planning believes the applicant can provide the seven-foot landscaping requirement without reducing the number of off-street parking spaces.

Screening Front Property Line: Granting of the front screening variance will not be keeping with the spirit and intent of the ordinance. The intent of the parking lot screening requirements are to promote development that is compatible with nearby properties, natural features, as well as to minimize pedestrian and vehicular conflict, to promote public safety, and to visually enhance development. CPED-Planning believes the applicant can provide the front yard screening without reducing the number of off-street parking spaces and without reducing public safety.

Screening Interior Property Line: Granting of the front screening variance will not be keeping with the spirit and intent of the ordinance. The intent of the parking lot screening requirements are to promote development that is compatible with nearby properties, natural features, as well as to minimize pedestrian and vehicular conflict, to promote public safety, and to visually enhance development. The applicant could provide the required screening along the southern property line without reducing the number of off-street parking spaces or without reducing public safety. In addition, high quality screening in the front yard setback would provide additional privacy for the residential structure at 5808 Portland Avenue South.

- 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.**

Landscaped Yard Requirements (Interior and Rear): Granting of the variances would have no impact on the congestion of area streets or fire safety, nor would the variance be detrimental to the public welfare or endanger the public safety.

Landscaped Yard Requirements (Front): Granting of the variances would have no impact on the congestion of area streets or fire safety. However, granting of the variance may reduce the public safety and public welfare. An increased landscaped yard along the front property line would better define the parking lot boundaries compared to existing conditions. In addition, an increased landscaped yard in the front would help control and guide movement on a site through increased territorial reinforcement and space delineation. CPED-Planning believes that if the applicant provides the screening it will be in compliance with Crime Prevention through Environmental Design principles (see Appendix F).

Screening Front Property Line: Granting of the variances would have no impact on the congestion of area streets or fire safety. However, granting of the variance may reduce the public safety and public welfare. If the applicant provides screening that is in compliance with the Zoning Code it would better define the parking lot boundaries compared to existing conditions. Also, screening that meets the Zoning Code requirements would help control and guide movement on a site through increased territorial reinforcement and space delineation. CPED-Planning believes that by providing the required screening it will be in keeping with the spirit and intent of the Crime Prevention through Environmental Design principles (see Appendix F). In addition, a screened yard would likely reduce the speed which vehicles enter and exit the parking lot, therefore improving the public safety of pedestrians.

The applicant states that the construction of a fence or plants/shrubs of any size would block driver's views of pedestrian traffic as they approach the street (see Appendix B2). CPED-Planning does not believe this to be the case. There are parking lots located on busy streets throughout the City of Minneapolis that meet the site plan review screening standards, such as the Wedge Co-Op, the Uptown Kowalski's Market, and Franklin Bank in the Warehouse District (see Appendix E).

Screening Interior Property Line: Granting of the variance would have no impact on the congestion of area streets, public safety, or fire safety. However, granting of the variance may be detrimental to the public welfare. If a high quality design screening was implemented along the interior side property line it can further reduce the negative visual impact of a parking lot for those living in the residential structure at 5808 Portland Avenue South as well as for pedestrians, bicyclists, and vehicles traveling north bound along Portland Avenue South (see Appendix E).

Recommendation of the Department of Community Planning and Economic Development: The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **adopt** the findings above and

- **Approve** the variance to reduce the required landscaped yard requirements for the south interior yard and the rear yard.
- **Deny** the variance to reduce the required landscaped yard requirements for the eastern (front) property line.
- **Deny** the variance to not require screening along the eastern (front) and southern (interior) property lines.

To allow for a parking lot repaving and re-striping project at 5760 Portland Avenue South in the R1/Single-Family District and the SH/Shoreland Overlay District subject to the following condition:

CPED Planning Division
BZZ-4079

1. CPED-Planning review and approve final site plan;
2. Applicant completes landscaping along the western property line as proposed.
3. Applicant installs a bike rack(s) to accommodate at least four bikes.
4. Applicant provides equal or greater amount of screening behind the front yard setback along the southern property line after the repaving and re-striping project.

Attachments:

Appendix A: Zoning map

Appendix B: Application

Appendix C: Aerials

Appendix D: Street views

Appendix E: Example Parking Lots in Minneapolis with Screening

Appendix F: CPTED Principles