

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-1957

Date: September 27, 2004

Applicant: Nate Wissink, Gateway Real Estate LLC

Address of Property: 4610-30 Lake Street East

Project Name: West River Commons at Lake

Contact Person and Phone: Nate Wissink, 612/825-4028

Planning Staff and Phone: Fred Neet, 612/673-3242

Date Application Deemed Complete: August 24, 2004

End of 60-Day Decision Period: October 23, 2004

End of 120-Day Decision Period: December 22, 2004

Ward: 9 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R5 , C1, and Mississippi River Overlay District

Zoning Plate Number: 28

Proposed Use: surface parking lot

Applicable zoning code provisions: Chapter 525, Article IX Variances, Specifically Section 525.520(7) “To reduce the applicable off-street parking requirements up to one hundred (100) percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.”

Background:

The City Planning Commission approved all requirements for the predominantly residential, mixed-use West River Commons project in 2001. After a fire, the project is nearing completion with 35 parking spaces provided. However, the applicant states that the neighborhood requested that a restaurant and a coffee shop be included as retail tenants. The tenant space constructed, and the four tenants identified, including a restaurant and a coffee shop, require 45 parking spaces. Two other retail uses require 4 more parking spaces, for a total of 49

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This application is to reduce commercial parking requirements from 49 to 35 spaces at 4610-30 Lake Street East.

Approvals in 2001 include

- site plan review for 56 dwelling units with commercial
- conditional use permit for a 56 unit development with commercial
- conditional use permit to increase height from 3 stories at 42 feet to 4 stories at 54 feet
- variance of lot area by 20% to allow two additional units
- variance to reduce the 46th Avenue front yard from 15 to 10 feet for residential units (notwithstanding staff recommendation), and from 15 to 4 feet for the enclosed bus shelter
- variance to reduce the southwesterly front yard on Lake Street from 15 to 0 feet
- variance to reduce the northwesterly side yard from 7 feet to 3 (notwithstanding staff recommendation)
- variance to reduce all interior side yard setbacks from 9 feet to 0
- variance of the 85% impervious surface maximum on the southwest parcel on condition that compensating pervious surface is provided on the eastern parcel
- Gateway Addition plat.

The easterly-most section of Lake Street is designated a Community Corridor, essentially the same width as the Commercial Corridor to the west which is designed to accommodate heavy traffic. Lake Street is served by frequent public transit. This section is also designated a Major Housing Site.

The applicant declined planning staff's recommendation to increase the parking provided (and decrease the parking variance requested) by one space. The one space could be captured by relocating one handicapped stall closer to the retail entrance.

Findings 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.**

Other reasonable uses are possible. A restaurant and a coffee shop are also reasonable uses for this site and its location. Strict regulatory adherence would deny the immediate neighborhoods particular services which the applicant asserts the neighborhood has requested.

In 2001, the Planning Commission granted a yard variance on grounds that (1) this was a unique urban project, (2) the project had a definite street edge, (3) the location and the project mitigates noise from Lake Street from the single family neighborhood to the north, and (4) the project keeps an architectural edge that unifies the project.

- 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.**

