

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances
BZZ – 2032

Date: December 13, 2004

Applicant: Masjid An-Nur

Address of Property: 1729 Lyndale Ave. N.

Project Name: Masjid An-Nur

Contact Person and Phone: Aly El-Nagdy, (651) 438-3617

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: November 1, 2004

End of 60-Day Decision Period: December 31, 2004

Ward: **Neighborhood Organization:** Northside Residents Redevelopment Council

Existing Zoning: R2B

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 13

Legal Description: Not applicable for this application

Proposed Use: Expansion of an existing mosque

Concurrent Review:

Conditional use permit: Required to increase the maximum permitted structure height from 35 feet to 60 feet for a minaret.

Variances:

- Variance to reduce the required front yard setback along Lyndale Avenue from approximately 59 feet (established) to 14 feet 10 inches for the building addition.
- Variance to reduce the required front yard setback along Lyndale Avenue from approximately 59 feet (established) to 7 feet for an entrance/vestibule addition.
- Variance to reduce the required corner side yard along 18th Avenue N. for the building addition (from 10 feet to 0 feet) and parking (from 10 feet to 5 feet).
- Variance to reduce the required front yard setback along Aldrich Avenue from approximately 33 feet to 0 feet for parking.
- Variance to reduce the required interior side yard (south side) for parking (7 feet to 5 feet) and refuse storage enclosure (7 feet to 0 feet).
- Variance to reduce the required number of off-street parking spaces from 58 to 53.

Applicable zoning code provisions:

Maximum height in R2B District: 546.420. Building Bulk Requirements
Authorizing application to increase maximum height: 546.110
Required setbacks/yards in R2B District: Table 546-8

Background: Masjid An-Nur is a mosque that has operated from the current location in the Near North neighborhood since 1995. An expansion of the existing building is proposed. The shaded/hatched area on the site plan represents the existing building, which would essentially be surrounded by the proposed addition on three sides.

The building was commercially zoned (B3S-1) under the previous zoning code. Conditional use permits were obtained in 1976 and 1982 for the parking lot, which was (and is still) zoned R2B.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

Increasing the maximum permitted height to allow a minaret would not compromise public health, safety, or comfort provided the structure complies with all provisions of the building code.

- 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 proposed structure is slender in nature and therefore would not cast wide shadows on residential properties to the east. Nearby commercial and institutional uses would not be affected by the increase in height just as they have not been affected by the similarly situated steeple one block to the west of the site in question.

- 3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

The site is adequately serviced by city streets, utilities, water and sewer. Increasing the maximum permitted height for the proposed minaret would not affect these issues.

- 4. Will take measures to minimize traffic congestion in the public streets.**

Increasing the maximum permitted height would not affect traffic congestion of the public streets.

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

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Relevant Policy: **9.7** Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.

Relevant Implementation Steps:

- Concentrate the greatest density and height in the interior of institutional campuses
- Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

Staff comment: The proposed height increase is located near the northeast corner of the property, which is the farthest possible location from adjacent residential properties to the south. The minaret is situated in a similar manner to an existing steeple located on a church one block to the west of the site.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p.

If all proposed land use/zoning applications are approved, the proposal will comply with all provisions of the R2B District.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

The proposed minaret would be slender and would be a significant distance from the residential properties to the south and from other nearby properties.

2. Shadowing of residential properties or significant public spaces.

Shadowing would only have the potential to negatively affect the residential properties to the east/northeast, but such impacts would not be significant. The distance between the minaret and the school grounds to the west is substantial. The existing Cub Foods store, which will experience some shadowing, would not experience negative effects from such shadowing.

3. The scale and character of surrounding uses.

The scale of the minaret is smaller than the existing church steeple one block to the west.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

It does not appear that the minaret would block significant views.

VARIANCES -

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

- 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.**

Front yard along Lyndale for main building addition: The setback requirement would prevent the applicant from expanding in a manner that would match the existing front of the building.

Front yard along Lyndale for entrance vestibule: The proposed vestibule expansion would allow for a more functional and accessible entrance than the existing entrance in the same location.

Corner side yard along 18th for building addition and parking: The particular triangular shape of the parcel and the location of the building on the site does not allow for many alternatives to accommodate expansion without encroaching into required parking or moving closer to the adjacent residential properties.

Front yard along Aldrich Avenue for parking: The parking lot is existing and the variance has been triggered by the request to add to the building. It appears that required variances were not obtained when the parking lot was constructed (prior to the applicant's interest in the parcel).

Interior side yard for parking and refuse storage enclosure: See findings for parking lot setback variances above. The applicant can reasonably locate the refuse storage enclosure outside the required interior side yard.

Reduce minimum parking requirement: Some of the off-street parking will be lost to required landscaping and to changes in the circulation pattern requested by the City.

- 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 yard along Lyndale for main building addition: The location of the building on the lot is a unique feature that is not generally applicable to other parcels in the R2B District and was not created by the applicant.

Front yard along Lyndale for entrance vestibule: The location of the existing entrance is a unique factor that precipitates the need for the variance.

Corner side yard along 18th for building addition and parking: The shape of the parcel and its proximity to residential neighbors are unique factors.

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Front yard along Aldrich Avenue for parking: A previous property owner apparently constructed the parking lot. While a conditional use permit was granted, it does not appear that required variances were addressed at that time.

Interior side yard for parking and refuse storage enclosure: See findings for parking lot setback variances above. Staff does not believe there is a unique circumstance that would require the refuse storage enclosure to be placed in the required yard.

Reduce minimum parking requirement: While the applicant is contributing to the need for the variance by adding floor area to the building, The need for the variance, as noted above, the partly results from the landscaping requirement and changes in the circulation pattern requested by the City.

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.

Front yard along Lyndale for main building addition: The addition would not interfere with any established sightlines or pattern of front yards along Lyndale Avenue. Homes constructed in the area do not face Lyndale Avenue.

Front yard along Lyndale for entrance vestibule: The expanded entrance will not significantly block sightlines and would clearly define the entrance.

Corner side yard along 18th for building addition and parking: While the property is located in a residence district, the particular site is situated across from a supermarket and across from the grounds of a school. The homes directly across Lyndale Avenue are not constructed in a way that makes 18th Avenue their corner side yard. Because of these factors, providing a setback along 18th would not preserve an existing pattern in the immediate area. However, the parking lot must comply with the landscaping and screening requirements of Chapter 530 of the zoning ordinance. The proposed landscaping plan does not meet the requirements at this time. Also, moving the north wall increases the visual impact from the public right of way and reduces the overall amount of landscaped area that would otherwise be provided. To offset this impact, additional landscaping must be incorporated between the building and the public sidewalk (with an encroachment permit).

Front yard along Aldrich Avenue for parking: The parking lot is screened from the adjacent residential properties as required by a previous conditional use permit. Granting the front yard variance along Aldrich would prove consistent with the intent of the ordinance if the required landscaping and screening is provided along Aldrich. The landscaping and screening must extend all the way to the curb cut.

Interior side yard for parking and refuse storage enclosure: The site appears to comply with the required screening along the south lot line. Granting the variance to allow the parking lot does not appear to violate the intent of the ordinance. However, staff is

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concerned that placing the refuse storage adjacent to the residential property could have a negative impact, particularly in terms of potential odor.

Reduce minimum parking requirement: Overall, a shortage of several parking spaces would not alter the essential character of the area.

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 yard along Lyndale for main building addition: Matching the existing building setback with the proposed addition would not affect public safety. Due to the amount of public right of way adjacent to the site, it appears that an adequate site triangle would be maintained at the street intersection.

Front yard along Lyndale for entrance vestibule: The vestibule addition is small in nature, does not encroach into the public right of way, and would not have an impact on public safety.

Corner side yard along 18th for building addition and parking: As previously noted, it appears that a safe site triangle would be provided and that granting the variance would not affect public safety in any way.

Front yard along Aldrich Avenue for parking: Provided the applicant provides landscaping and screening between the parking lot and the public sidewalk so that water would not drain onto and over the public sidewalk, public safety would not be negatively affected by granting the variance.

Interior side yard for parking and refuse storage enclosure: Granting the interior side yard setback variance would not prove detrimental to the safety or welfare of the adjacent residential properties.

Reduce minimum parking requirement: Reducing the parking requirement by several spaces would not substantially contribute to congestion of public streets, nor would public safety be compromised. The adjacent street on 18th Avenue does not appear to serve as spillover parking for any nearby uses.

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 to increase the maximum permitted height from thirty five (35) feet

to (60) feet for a minaret located on a religious institution place of assembly at 1729 Lyndale Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for a Front Yard Variance along Lyndale:

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 variance to reduce the required front yard setback along Lyndale Avenue from approximately 59 feet to 14 feet 10 inches for an addition to a religious institution place of assembly at 1729 Lyndale Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for a Front Yard Variance along Lyndale:

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 variance to reduce the required front yard setback along Lyndale Avenue from approximately 59 feet to 7 feet for an entrance addition to a religious institution place of assembly at 1729 Lyndale Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Corner Side Yard Variance along 18th Avenue:

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 variance to reduce the required corner side yard setback along 18th Avenue from building addition (from 10 feet to 0 feet) and parking lot (from 10 feet to 5 feet) for a religious institution place of assembly at 1729 Lyndale Avenue North, subject to the following condition:

- 1) The parking lot shall be landscaped and screened as required by section 530.160(b) of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for Front Yard Variance along Aldrich:

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 variance to reduce the required front yard setback along Aldrich Avenue from approximately 33 feet to 5 feet for alterations to a parking facility accessory to a religious institution place of assembly at 1729 Lyndale Avenue North, subject to the following condition:

- 1) The parking lot shall be landscaped and screened as required by section 530.160(b) of the zoning code.

Recommendation of the Community Planning and Economic Development Department – Planning Division for an Interior Side Yard 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 a variance to reduce the required interior side yard (south side) for parking (7 feet to 5 feet) and deny the variance to reduce the interior side yard for the refuse storage enclosure (from 7 feet to 0 feet) accessory to a religious institution place of assembly at 1729 Lyndale Avenue North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for a Variance to Reduce Required Parking:

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 variance to reduce the required number of off-street parking spaces from 58 to 53 to allow additions to a religious institution place of assembly at 1729 Lyndale Avenue North.

Attachments:

1. Statements submitted by the applicant
2. Letters from the applicant to the council office and neighborhood group
3. Preliminary Plan Review (PPR) comments
4. Aerial photograph
5. Zoning map
6. Site/landscape plan
7. Site survey
8. Floor plans
9. Elevations
10. Building renderings
11. Photos