

Department of Community Planning and Economic Development – Planning Division
Rezoning Petition, Conditional Use Permit, and Variance
BZZ-3712

Date: September 17, 2007

Applicant: Greg Spaulding

Address of Property: 3010 West River Parkway S.

Contact Person and Phone: Greg Spaulding, 763-213-5835

Planning Staff and Phone: Michael Wee, (612) 673-5468

Date Application Deemed Complete: August 2, 2007

End of 60-Day Decision Period: October 1, 2007.

End of 120-Day Decision Period: On August 15, 2007, staff sent a letter to the applicant extending the decision period to no later than November 19, 2007.

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1A Single-Family District

Proposed Zoning: R3 Multiple-Family District

Zoning Plate Number: 28

Legal Description of Property to be Rezoned: Lots 13, Block 1, Wass Addition including adjacent ½ of alley vacated, Minneapolis, Hennepin County, Minnesota.

Proposed Use: Allow an accessory parking to an adjacent R6 multiple-family residential use.

Concurrent Review:

Petition to rezone a property at 3010 West River Parkway from R1A to R3.

Conditional Use Permit to allow an accessory parking for an existing R6 residential use.

Variance to reduce the required drive aisle from 22' to 7 feet off the alley.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII Conditional Use Permits and Article IX Variances. Chapter 546, Article VI, R3 Multiple Family District. Chapter 551 Article VIII, MR Mississippi River Critical Area Overlay District.

Background: Greg Spaulding submitted an application to allow the continued use of 5 parking spaces at 3010 West River Parkway for residents of the adjacent apartment building at 3000 West River

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Parkway. The apartment is located in an R6 District, and parking for uses on R6 District is not permitted on property zoned R1A, which is located adjacent to the R6 lot to the south. A zoning of at least R3 is required to allow accessory parking for uses located in an R6 District. The applicant is seeking to rezone 3010 West River Parkway from R1A to R3 to allow five accessory parking for the apartment located in an R6 District. The five spaces will allow the applicant to provide one off-street parking space for each of the 36 dwelling units located at 3000 West River Parkway.

The existing bituminous surface on 3010 West River Parkway only provides 7 feet of maneuvering space for the parking. Table 541-1 of the zoning code requires a 22 foot drive aisle. The parking is located adjacent to an alley where additional maneuvering space is required. A variance is required to reduce the required drive aisle from 22 feet to 7 feet.

The property at 3010 West River Parkway has an existing curb cut and a paved driveway leading to a one-car detached garage. The garage is currently used by the applicant for storage. This is located approximately 40 feet from the curb. Aside from this garage and the paved parking at the rear, the remainder of the lot is turfed.

Similar applications were submitted and heard by the Planning Commission in 2005 for the same purpose: to bring the existing parking at 3010 West River Parkway into compliance with the zoning code. The applicant will address the fence height and interior side yard setback issues after this application is heard. The parking at 3010 West River Parkway is in violation of Table 541-3 of the zoning code and is presently barricaded.

The Planning Commission, notwithstanding staff recommendation, denied the original application on April 25, 2005 as well as the second application on April 23, 2007. The first application was a request to rezone from R1A to R6 District. The subsequent application was again to rezone from R1A to R6 district. The City Council denied both rezoning requests and also denied the applicant's appeal of the Planning Commission's decision on May 27, 2005 and May 25, 2007, respectively, based on the following finding:

1. The parking area would be detrimental to public health, safety, comfort, general welfare; and would be injurious to the use and enjoyment of other property in this vicinity.

As of writing this staff report, no comments were received. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone a property located at 3010 West River Parkway from R1A to R3.

Findings as required by the Minneapolis Zoning Code for the rezoning petition:

1. **Whether the amendment is consistent with the applicable policies of the comprehensive plan.**

The Minneapolis Plan identifies Lake Street from 36th Avenue S. east to the Mississippi River as a community corridor. Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. Design and development along

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these streets is oriented toward the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. While 3010 West River Parkway is not directly on this community corridor, rezoning it to R3, as part of 3000 West River Parkway, would be a good transition area from R6 to the north and R1A residential uses to the south. R3 District will allow three to four multiple-family dwelling units. The applicant has no intention of expanding or building additional dwelling units.

Policy 4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridor streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Implementation Step: Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning is in the interest of the property owner and tenants of the building. The applicant maintains that the rezoning would also benefit the neighborhood by reducing the need for on-street parking.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The adjacent lot to the north is the 3000 West River Parkway property, which is zoned R6 and would be compatible with the proposed rezoning. To the south and southwest is an R1A zoning district that includes several duplexes and single-family homes. To the west of 3000 West River Parkway is an accessory parking in the C1 district that serves the apartment building. To the north and northwest of the R6 parcel is Lake Street and a mixed use in the C1 and R5 districts. The R3 rezoning classification is compatible with the surrounding uses and can transition between R1A to higher density uses.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

Under its current zoning, the property at 3010 West River Parkway could be used for the construction of a single family home. The property has been used to provide green space for the existing 36-unit apartment building at 3000 West River Parkway for over 30 years.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The recently completed West River Commons development and the reconstruction of Lake Street have both contributed toward a trend of development in the general area. City policies and such development trends encourage a Lake Street corridor that has a mix of uses and medium density housing, with lower density residential neighborhoods north and south of the corridor.

CONDITIONAL USE PERMIT: to allow an accessory parking at grade along the alley of 3010 West River Parkway to serve the 36-unit apartment at 3000 West River Parkway.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use to allow an accessory parking at grade along the alley of 3010 West River Parkway to serve the 36-unit apartment at 3000 West River Parkway:

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

The bituminous for the proposed parking is existing and is off a public alley. The existing 36-unit apartment building is deficient of 5 parking spaces to be in compliance with the code. The existing parking spaces at 3010 West River Parkway, which is under the same ownership, will allow the apartment building to meet this requirement. Given the limited number of parking spaces and its location off an existing public alley, the proposed parking would not be detrimental to or endanger the public health, safety, comfort or general welfare of the residents in the neighborhood.

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 purpose of the proposed 5-stall parking is to be in compliance with Table 541-1 of the code for the existing 36-unit apartment building located adjacent to the property at 3010 West River Parkway. The existing parking stalls are located toward the rear of the lot and the remainder of the lot will stay as open space. The spirit and the intent of the ordinance would be upheld and the conditional use would not be injurious to the use or enjoyment of other property in the vicinity.

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

Existing utilities, access roads, drainage and other facilities are adequate. No other utilities are required for this application. The property has an existing detached garage that is located approximately 40 feet from an existing curb cut and a few feet from the adjacent residential structure to the south. The driveway is impervious. The detached garage is currently used for storage of yard tools and equipment. Staff is recommending that the paved driveway be reduce the amount of storm water drainage into the public street.

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

The existing 36-unit apartment building has on-site parking as well as parking spaces located across 47th Avenue S. to the west. The proposed parking will have five spaces to bring the total parking spaces to 36, which is in compliance with the code requirement. Allowing the proposed parking at 3010 West

River Parkway would reduce on-street parking and traffic congestion in the public streets.

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

Policy 4.9: Minneapolis will grow by increasing its supply of housing.

Implementation Steps: Support the development of new medium- and high-density in appropriate locations throughout the City.

Policy 4.11: Minneapolis will improve the availability of housing options for its residents.

Implementation Steps: Provide and maintain moderate and high-density areas. Provide and maintain areas that are predominantly developed with single and two-family structures.

Allowing five additional parking on adjacent lot to the south of an existing 36-unit apartment would provide its residents ample parking spaces and reduce on-street parking. Providing sufficient parking will support the success of the existing multiple-family residential development.

6. And, in all other respects, conform to the applicable regulations of the district in which it is located.

The proposal will conform to the applicable regulations of R3 district, if the rezoning petition is approved. The remainder of the lot will be an open space serving the multi-family apartment building. The applicant will address the existing fence height and interior side yard setback issues to be in compliance with the code, regardless of the outcome of this application.

VARIANCE: To reduce the required drive aisle from 22 feet to 7 feet off the alley at 3010 West River Parkway.

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.

The bituminous for the proposed parking is existing and is off a public alley. Adding more bituminous to allow for 22 feet of maneuvering space would only create more impervious surface and make the parking. Other garages and parking areas on the same block utilize the alley for maneuvering space.

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.

It is unique to have an unimproved single-family lot adjacent to a multi-family building under the same ownership. The single-family lot has been historically used as green space for the residents of the apartment building. The location of the bituminous was determined by the property owner but it is reasonable to allow a public alley to reduce the required amount of maneuvering space for adjacent parking.

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.

With 7 feet on-site drive aisle and a 14 foot of public alley, vehicles would have 21 feet to maneuver into an out of the proposed parking stalls. The spirit and the intent of the ordinance would be upheld and the variance would not be injurious to the use or enjoyment of other property in the vicinity.

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.

The drive aisle width variance has been requested to provide off-street parking, which should reduce congestion of the public street. However, there is an existing curb cut of the front of 3010 West River Parkway that leads to an existing single car garage. As required in Section 541.230(1) of the code, the consolidation of curb cuts shall be encouraged, in part to reduce potential traffic congestion. To minimize the impact of the off-street parking on adjacent R1A districts, staff recommends that the front curb cut and existing garage be removed as a condition of approval. This will minimize the impact of the parking use on the adjacent single-family home. The proposed parking space would not be dangerous or detrimental to the public.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property at 3010 West River Parkway from R1A to R3 district.

Recommendation of the Department of Community Planning and Economic Development– 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 conditional use permit application for a property located at 3010 West River Parkway subject to the following conditions:

1. 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.
2. Address existing fence height and interior side yard setback issues as required by Chapter 535 of the zoning code, regardless of the Planning Commission action on this application.
3. Remove and close existing front curb cut and the existing paved driveway at 3010 West River Parkway.

4.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the required drive aisle from 22 feet to 7 feet off the alley at 3010 West River Parkway subject to the following condition:

Attachments:

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos