

Department of Community Planning and Economic Development
Rezoning, Conditional Use Permit, Variances and Alley Vacation
BZZ-6070 and Vacation File: #1591

Date: July 15, 2013

Applicant: Longfellow Market, LLC, Joel Ahlstrom, 400 East Dual Boulevard, Isanti, MN 55040, (651) 587-6777

Address of Property: 3801, 3803, 3805 & 3815 East Lake Street and 3013 38th Avenue South

Project Name: Longfellow Market

Contact Person and Phone: Mularoni & Co Architecture, LLC, Attn: Michial Mularoni, 6191 Crackleberry Trail, Woodbury, MN 55129, (651) 459-5171

CPED Staff and Phone: Becca Farrar-Hughes, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: June 11, 2013

End of 60-Day Decision Period: August 10, 2013

End of 120-Day Decision Period: On June 27, 2013, Staff sent a letter to the applicant extending the decision period to no later than October 9, 2013.

Ward: 12 & 2 **Neighborhood Organization:** Longfellow Community Council (LCC)

Existing Zoning: C1 (Neighborhood Commercial) District, C2 (Neighborhood Corridor Commercial) District and R1A (Single-family) District

Proposed Zoning: C2 (Neighborhood Corridor Commercial) District and R1A (Single-family) District with the TP (Transitional Parking) Overlay District

Zoning Plate Number: 28

Lot area: 32,168 square feet or approximately .74 acres

Legal Description: 3801 and 3803 East Lake Street (rezoning from C1 to C2): Lots 11 and 12, Block 1, Waltons 1st Addition to Seven Oaks Minneapolis; and 3013 38th Avenue South (add the TP Overlay District): Lot 13, Block 1, Waltons 1st Addition to Seven Oaks Minneapolis.

Proposed Use: Establish a grocery store with associated off-street parking.

Concurrent Review:

- Petition to rezone 3801 and 3803 East Lake Street from the C1 (Neighborhood Commercial) District to the C2 (Neighborhood Corridor Commercial) District in order to unify the underlying zoning for the properties;

Department of Community Planning and Economic Development
BZZ-6070 and Vacation File #1591

- Petition to add the TP (Transitional Parking) Overlay District to the property located at 3013 38th Avenue South. The underlying R1A (Single-family) District would be maintained on the property;
- Conditional Use Permit to allow an off-street parking lot in the TP Overlay District;
- Variance of the TP Overlay District standards;
- Variance to allow off-street parking in a required front yard setback along 38th Avenue South;
- Alley Vacation.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments, Article VII, Conditional Use Permits, Article IX, Variances.

Background: The applicant proposes to locate a grocery store within a portion of some of the existing buildings located on the premises as well as construct associated off-street parking on the properties located at 3801, 3803, 3805 & 3815 East Lake Street and 3013 38th Avenue South. In order to locate the grocery store on the premises, a rezoning is necessary to unify the underlying commercial zoning along East Lake Street from C1 to C2 for two properties (3801 and 3803 East Lake Street). The applicant has also acquired the residential property located across the alley to the south along 38th Avenue South and plans to demolish the residential structure and expand the parking for the grocery store onto this parcel. The applicant proposes to maintain the underlying R1A zoning and add the Transitional Parking (TP) Overlay District to that parcel. In addition, a Conditional Use Permit (CUP) is required in order to allow the parking lot in the TP Overlay District. A variance of the TP Overlay District standards regarding the requirement that the parking lot be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. is needed as is a variance to allow off-street parking in a required front yard setback along 38th Avenue South. The applicant has also applied to vacate a portion of the T-shaped public alley between the commercially zoned properties abutting East Lake Street and the residential property to the south along 38th Avenue South.

The grocery store would include an in-store bakery, deli and prepared foods department, produce, meats and various product lines. The development would result in the demolition of approximately 7,038 square feet of existing buildings as well as the house, garage and shed on the residentially zoned property. The remaining building on site would total approximately 14,124 square feet and a new addition of approximately 504 square feet would be added for a total of 14,628 square feet. The existing basement area of approximately 4,547 square feet would be used for storage and an employee area.

Staff has not received any official correspondence from the Longfellow Community Council (LCC) prior to the printing of this report; however, a neighborhood letter is attached for reference. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

REZONING – from C1 to C2 for the properties located at 3801 and 3803 East Lake Street.

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located along East Lake Street which is a designated Commercial Corridor in this location. The parcels are designated commercial. According to *The Minneapolis Plan for Sustainable Growth*, “Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of

Department of Community Planning and Economic Development
BZZ-6070 and Vacation File #1591

commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.” The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.4 states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level”; (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Land Use Policy 1.5 states, “Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.” This policy includes the following applicable implementation steps: (1.5.1) “Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities”; (1.5.2) “Facilitate the redevelopment of underutilized commercial areas by evaluating possible land use changes against potential impacts on the surrounding neighborhood”; (1.5.3) “Promote the preservation of traditional commercial storefronts wherever feasible.”

Land Use Policy 1.10 states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial –where compatible with the existing and desired character”; (1.10.2) Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.”

Urban Design Policy 10.11 states, “Seek new commercial development that is attractive, functional and adds value to the physical environment.” This policy includes the following applicable implementation step: (10.11.2) “Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.”

It is Staff’s position that the proposal to rezone a portion of the site from the C1 to the C2 district in order to unify the underlying zoning is supported by the above listed policies and implementation steps.

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

In general, unifying the underlying zoning districts would be considered both in the public interest and in the interest of the property owner, as it would allow for the redevelopment of the predominantly vacant site and would further allow uses supported by adopted policies specific to Commercial Corridors.

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 two properties that are proposed to be rezoned to C2 are currently zoned C1. The subject site is located within an area that has primarily commercial zoning classifications lining both sides of East Lake Street (C1, C2, C4 and OR2). There are also R1A and OR1 zoning classifications within the broader vicinity. The uses within the area are varied and include predominantly commercial and residential uses. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff's position is that the C2 zoning district would be appropriate and compatible in this location.

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.

There are reasonable uses of the property permitted under both the C1 and C2 zoning districts; however, the properties need to be uniformly zoned in order for the property to be redeveloped. In addition, adopted City policy supports C2 zoning along Commercial Corridors. Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the properties.

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.

Under the 1963 Zoning Code, the subject properties were zoned B3S-2 (Community Service) District and the majority of surrounding properties to the east and west were zoned B3S-2 and B3S-1 along East Lake Street, with properties predominantly zoned R1A (Single-family) District, R1 (Single-family) District and R3(General) District to the north and south of the corridor within the neighborhood. There have been some changes relative to the character and trend of development in the general area although they have transpired much more slowly on this end of East Lake Street than the transitions occurring in other areas. The amendment to alter the existing zoning classification on the properties will not adversely impact the positive transitions occurring in the area.

REZONING – add the TP (Transitional Parking) Overlay District to the property located at 3013 38th Avenue South.

Findings as Required by the Minneapolis Zoning Code:

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

Department of Community Planning and Economic Development
BZZ-6070 and Vacation File #1591

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel that the applicant proposes to add the TP Overlay District while maintaining the underlying R1A zoning to is designated as urban neighborhood and is associated with parcels designated as commercial that are located along East Lake Street which is a designated Commercial Corridor in this location. Urban neighborhoods are defined as predominantly residential areas with a range of densities that may include other small-scale uses, including neighborhood-serving, commercial, and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Urban neighborhoods are generally not intended to accommodate significant new growth or density. The following policies and implementation steps of *The Minneapolis Plan for Sustainable Growth* apply to this proposal:

Land Use Policy 1.1 states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.3 states, “Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.” This policy includes the following applicable implementation step: (1.3.2) “Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.”

Transportation Policy 2.3 states, “Encourage walking throughout the city by ensuring that routes are safe, comfortable, pleasant, and accessible.”

Transportation Policy 2.8 states, “Balance the demand for parking with objectives for improving the environment for transit, walking and bicycling, while supporting the city’s business community.”

Urban Design Policy 10.18 states, “Reduce the visual impact of automobile parking facilities.” This policy includes the following applicable implementation steps: (10.18.1) “Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses”; (10.18.2) “Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.”

It is Staff’s position that the proposal to add the TP Overlay District while maintain the underlying R1A zoning on the parcel in order to accommodate additional parking and loading areas for the proposed grocery store is supported by the above listed policies and implementation steps.

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

Maintaining the underlying R1A zoning and rezoning to add the TP Overlay District could be considered both in the public interest and in the interest of the property owner as it would allow for 12 additional surface parking stalls and additional maneuvering space that in turn supports a redevelopment of predominantly vacant buildings located along a Commercial Corridor. The proposed redevelopment is

supported by adopted city policies and the TP Overlay maintains the underlying residential zoning which is also consistent with adopted city policies.

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.

As previously noted, the underlying R1A zoning would be maintained on the subject property and the TP Overlay District would be added to the site. The subject site is located in area that is predominantly zoned R1A, and would be combined into a larger development site that includes commercially zoned parcels along East Lake Street. The uses within the immediate area are predominantly residential and within the broader area are predominantly commercial and residential in nature. Given the surrounding zoning classifications, the context and uses in the area, as well as adopted policy, Staff's position is that the TP Overlay District, due to its association with the larger abutting redevelopment, would be appropriate and compatible in this location. Further, the applicant has provided a large landscaped buffer and screening between the proposed surface parking spaces and the abutting residential dwelling to the south of the site.

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.

The current use of the property as a single-family residential dwelling as permitted in the R1A District is a reasonable use of the subject site. However, the request to rezone the property in order to add the TP Overlay District while maintaining the underlying R1A zoning in order to allow for additional parking accessory to the principal use of the larger site as a grocery store is also reasonable.

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.

Under the 1963 Zoning Code, the subject property was zoned R1A as were the surrounding residential properties. The majority of surrounding properties to the east and west along East Lake Street were zoned B3S-2 and B3S-1 and other properties within the broader vicinity were zoned R1 and R3. There have been some changes relative to the character and trend of development in the general area although they have transpired much more slowly on this end of East Lake Street than the transitions occurring in other areas. The amendment to alter the existing zoning classification to add the TP Overlay District while maintaining the R1A District on the properties will contribute to the positive transitions occurring in the area.

CONDITIONAL USE PERMIT – for an off-street parking facility in the TP Overlay District.

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The proposal to allow 12 additional surface parking spaces on the property to serve a proposed redevelopment of the abutting commercial properties located along East Lake Street would not be detrimental to or endanger the public health, safety, comfort or general welfare provided the screening/fencing and large landscape buffer abutting the residential property to the south is incorporated and maintained.

2. The conditional use 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 proposal to allow 12 additional surface parking spaces to serve the proposed grocery store on the abutting parcels would not be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal or orderly development and improvement of surrounding property. The applicant is proposing fencing/screening and a large landscaped buffer between the proposed surface parking stalls on the subject property and the residential dwelling located to the south of the subject site.

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

As proposed the site would be accessed via a single curb cut off of 38th Avenue South and would provide access to the proposed surface parking lot totaling 46 stalls.

The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. The applicant is aware that all applicable plans are expected to incorporate any applicable comments or modifications as required by the Public Works Department.

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

Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing adequate off-street parking for both vehicles (46 spaces) and bicycles (9 spaces) on the premises. Further, the site is located in close proximity to several bus lines with the closest stop located near the corner of East Lake Street and 39th Avenue South, directly in front of the subject building.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

See the above listed response to finding #1 in the rezoning application to add the TP Overlay District. The policies and implementation steps outlined apply to the proposed CUP for an off-street parking facility.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezonings, conditional use permit, variances, and alley vacation, this development would be in general conformance with the applicable regulations of the Zoning Code.

In addition, new parking lots and parking lots in the TP Overlay District are subject to the landscaping and screening provisions outlined in Section 530.170 of the Zoning Code.

According to the applicant's landscaping plan there is 5,412 square feet of landscaping on the site or approximately 30.9% percent of the site not occupied by the building. The applicant is proposing to plant 3 coniferous, 13 deciduous canopy trees, 18 deciduous shrubs, 28 coniferous shrubs, perennials and grasses on the site.

A seven-foot wide landscaped yard and screening equal to 95% opacity is required between the parking area and the north, south, and west sides of the property. The applicant is proposing a minimum of a 7-foot wide landscaped yard along the north property line adjacent to East Lake Street and provides screening as required. The applicant is providing an approximate 7-foot wide landscaped yard along the west property line adjacent to 38th Avenue South but the screening proposed does not meet the ordinance requirements nor does it meet the general landscaping requirements outlined in Section 530.160 of the Zoning Code. The final plans shall be modified to comply with the screening and general landscaping requirements in this location. On the south side of the site, the landscaped yard is approximately 16 feet in width and screening in the form of a combined 6 foot stucco concrete and 3-foot stucco concrete wall (where the wall intersects with the required front yard) are provided in addition to deciduous and evergreen trees. The landscaped yard is not, however, meeting the general landscaping requirements. The final plans shall be modified to include additional shrubs per Section 530.160 of the Zoning Code.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. All but 12 spaces within the interior of the parking lot comply with the spacing requirement. The final plans shall be modified to comply with the 50 foot provision. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. No tree islands are proposed at this time.

Additional zoning provisions that apply in the absence of a site plan review application that are notable and that apply to the proposal include Section 535.95 of the Zoning Code which requires that nonresidential buildings have at least one principal entrance facing the public street; that clear and well-lighted walkways at least 4 feet in width connect building entrances to the adjacent public sidewalk and to any parking facilities; and that the nonresidential window requirements apply as outlined in Chapter 530 of the Zoning Code. The proposal incorporates a principal entrance to the grocery store off of East Lake Street, the building entrances are directly connected to the public sidewalk and to the on-site parking facilities via walkways at least 4 feet in width; and the proposal incorporates windows along both East Lake Street and 39th Avenue South that comply with the minimum 30% requirement between 2 and 10 feet for commercial uses. In addition, Section 535.80 of the Zoning Code regarding the screening of refuse and recycling containers applies to the proposal as well. A trash room is included within the interior of the building; there will be no outdoor storage of trash on the premises.

The proposal will incorporate all requirements as established as part of the existing Lake Street Streetscape design subject to the review and approval of Public Works. The curb cut will be reduced in width and shall be designed in compliance with the City's standard radius. In addition, Public Works

will require that either removable bollards or some other device be incorporated into the development in order to preclude commercial traffic from utilizing the public alley.

VARIANCE – (1) of the TP Overlay District standards regarding the requirement that the parking lot be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m.; and (2) to allow off-street parking in a required front yard setback along 38th Avenue South.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

TP Overlay District Standards: The applicant proposes to vary one of the TP Overlay District standards. The TP Overlay District was established to allow parking lots in residence and office residence districts when adjacent to a zoning district in need of additional parking for customers and employees. Parking lots in TP Overlay Districts are typically small in scale and subject to various standards including a location requirement which states that parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served; the widths of parking lots in the TP Overlay District are restricted to 75 feet; use is restricted to passenger automobiles; no outdoor sales, display or storage; entrances must be located 20 feet from adjacent property located in a residence/office residence district; the parking lot shall comply with landscaping and screening provisions in Chapter 530; and the parking lot must be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. As proposed, the parking lot complies with all standards except for the provision requiring that the parking lot be secured between the hours of 10:00 p.m. and 6:00 a.m. Practical difficulties exist in complying with the ordinance as it would not be practical to secure the portion of the parking lot located in the TP Overlay District as it shares a curb cut with the larger parking lot and the curb cut is located on the commercially zoned parcel, not the residentially zoned parcel with the proposed TP Overlay District. The request to vary this provision is reasonable and appropriate given the circumstances.

To allow parking in a required front yard: The property is subject to two front yard setback requirements along 38th Avenue South and East Lake Street and a reverse corner setback along 39th Avenue South. The applicant proposes to vary the front yard setback requirement in the R1A District along 38th Avenue South in order to allow off-street parking in the required yard. The setback requirement is typically 20 feet in the R1A District but the property is subject to a front yard increase per Section 546.160 of the Zoning Code as the adjacent residential structure located to the south along 38th Avenue South is setback approximately 27 feet from the property line. A 7-foot wide landscape buffer is provided adjacent to 38th Avenue South and just over two parking spaces encroach into the required front yard. In addition, a 16-foot wide interior landscaped yard and screening wall is provided between the property line and the proposed parking spaces. Practical difficulties exist in complying with the ordinance in this specific circumstance; the request is reasonable and appropriate provided the large landscaped yard and stucco wall are incorporated into the final plans.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

TP Overlay District Standards: The proposal to vary the TP Overlay provision regarding the securing of the parking lot is reasonable and would be in keeping with the spirit and intent of the ordinance and

comprehensive plan. Adopted City policies support the overall development and the applicant complies with all but one of the additional provisions put in place to mitigate the impacts of surface parking lots in the TP Overlay District. Given the fact that access to the portion of the parking lot that is located in the TP Overlay District shares a curb cut with the larger parking lot, and the fact that the curb cut is located on the commercially zoned parcel, not the residentially zoned parcel with the proposed TP Overlay District, it would not be practical or reasonable to require compliance with this provision.

Front yard setback to allow a parking stall: The proposal to allow two full parking spaces within the required front yard setback along 38th Avenue South is reasonable. The minimum off-street parking requirement for the use based on a gross square footage of 14,628 square feet is 21 spaces (1 space per 500 square feet in excess of 4,000 square feet). The applicant proposes a total of 46 spaces, below the maximum of 73 spaces (1 space per 200 square feet). As such, the proposal would be in keeping with the spirit and intent of the ordinance and the comprehensive plan. As previously noted, the purpose of the setback provision is to prevent front yard encroachments and to provide a separation and buffer when commercial uses abut residential uses. In this specific circumstance, the applicant proposes a large landscaped yard and stucco wall to serve as a buffer between the parking and the neighboring residence.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

TP Overlay District Standards: The granting of the variance to allow 12 additional surface parking spaces on the residentially zoned parcel within the TP Overlay District that does not meet the securing provision would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As previously noted, the single curb cut that accesses the site is located on the abutting commercially zoned parcel, not the residentially zoned parcel with the proposed TP Overlay District.

Front yard setback to allow a parking stall: The proposal to allow two full size parking stalls within the required front yard setback along 38th Avenue South would not adversely alter the essential character of the locality or be injurious to the use and enjoyment of other properties in the vicinity. Further, the proposal would not be detrimental to the health, safety, and/or welfare of the general public or of those utilizing the property or nearby properties provided the large landscaped yard and stucco wall be incorporated into the final plan as proposed.

VACATION (Vacation #1591) – Petition to vacate the west portion of the T-shaped alley in the block bounded by East Lake Street, 31st Street East, 38th Avenue South and 39th Avenue South.

Development Plan: The site plan for the development is attached. The purpose is to allow for the construction of a contiguous parking area for a new grocery store.

Responses from Utilities and Affected Property Owners: Public Works has reviewed the vacation petition and recommends approval of the request. Further, Centurylink and Xcel Energy support the vacation request provided an easement is required over the entire described area. All other utilities that responded supported the vacation request without the reservation of easements.

Findings: The applicant proposes to vacate the west portion of the existing T-shaped alley in the block bounded by East Lake Street, 31st Street East, 38th Avenue South and 39th Avenue South in order to allow for the construction of a contiguous parking area that would include the existing 14-foot wide public alley. CPED concurs with Public Works and finds that the western leg of the public alley on the block is not needed for any public purpose, is not part of a public transportation corridor, and that it be vacated provided all easements requested above are granted by the petitioner. The eastern leg of the public alley on the block would remain resulting in an L-shaped alley on the block.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 3801 and 3803 East Lake Street from the C1 (Neighborhood Commercial) District to the C2 (Neighborhood Corridor Commercial) District in order to unify the underlying zoning for the properties.

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to add the Transitional Parking (TP) Overlay District to the property located at 3013 38th Avenue South. The underlying R1A (Single-family) District would be maintained on the property.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow an off-street parking lot in the TP Overlay District on the properties located at 3801, 3803, 3805 & 3815 East Lake Street and 3013 38th Avenue South subject to the following conditions of approval:

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 two years of approval.
2. The final plans shall be in compliance with Section 530.170 of the Zoning Code.
3. The proposal will incorporate all requirements as established as part of the existing Lake Street Streetscape design subject to the review and approval of Public Works.

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

Department of Community Planning and Economic Development
BZZ-6070 and Vacation File #1591

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application of the Transitional Parking (TP) Overlay District standards regarding the requirement that the parking lot be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. for the properties located at 3801, 3803, 3805 & 3815 East Lake Street and 3013 38th Avenue South.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application to allow off-street parking in a required front yard setback along 38th Avenue South for the properties located at 3801, 3803, 3805 & 3815 East Lake Street and 3013 38th Avenue South subject to the following condition of approval:

1. The final plan shall incorporate a 16-foot wide landscaped yard and a combined 6 foot tall and 3 foot tall stucco wall consistent with the proposed plan along the south property line.

Recommendation of the Department of Community Planning and Economic Development for the alley vacation:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the alley vacation application (Vacation File 1591) subject to the provision of an easement to Centurylink and Xcel Energy over the entire described area.

Attachments:

1. Rezoning Matrix
2. Statement of use and description
3. Findings – CUPs and Variances
4. Correspondence
5. Zoning Map
6. Plans - site, landscape, floor, elevations and civils
7. Photos
8. PDR notes