

Department of Community Planning and Economic Development
Variance
BZZ 6293

Date: November 7, 2013

Applicant: Master Development

Address of Property: 3408 Lake Street East

Contact Person and Phone: Don Gerberding, (612) 879-6000

CPED Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: October 11, 2013

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

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

Existing Zoning: C2 Neighborhood Corridor Commercial District

Existing Overlay District: Not applicable

Proposed Use: Accessory parking lot with 11 stalls to an existing commercial and office building

Variance: of the landscaping and screening requirements.

Zoning code section authorizing the requested variance: Chapter 525, Article IX Variances, Specifically Section 525.520 (25) "To vary the screening and landscaping requirements of this zoning ordinance."

Background: The subject property is located at the northeast corner of 34th Avenue South and Lake Street East. The property is approximately 114.5 feet by 179 feet and (20,503 square feet) and the existing 14,000 square foot building is used as an office. The structure was built in 1925 and presently has a 6,000 square foot courtyard at the southwest corner of the property. There is presently no off-street parking provided for the property. The applicant is proposing to add new commercial and office tenants, including new medical offices and a new child care center. The child care center increases the parking requirement will increase by two drop-off spaces. These two drop-off spaces may be provided on the property or on-street with the permission of the City Engineer. The applicant is proposing to construct a new off-street surface parking lot with 11 stalls at the southwest corner of the property. The new parking lot would be accessed from 34th Avenue South and have one van accessible parking stall, two compact stalls and eight standard stalls.

The proposed accessory parking lot is subject to design and maintenance review standards found in Chapter 530 Site Plan Review and Chapter 541 Off-Street Parking and Loading in the zoning code. In

addition, the proposed site plan is subject to review by public works staff through Preliminary Development Review (PDR). The proposed site plan completed PDR and comments are attached to this staff report.

The proposed site plan shows the proposed parking lot will have a fence consistent with the Lake Street Improvement Special Service District. The applicant is proposing to reserve space for an outdoor children's play area, as required by the Department of Health and Human Services for a child care center. In addition, the applicant is proposing to add the required landscaping materials, specifically canopy trees and shrubs, in the right-of-way. Along the south property line, the applicant is providing the required 7-foot landscaped yard in the right-of-way. However, along the west property line, the applicant is not providing the required 7-foot landscaped yard. The zoning code authorizes a variance of the landscaping and screening requirements. Therefore, the applicant is requesting a variance of the screening and landscaping requirements for a proposed accessory surface parking lot in the C2 Neighborhood Corridor Commercial District.

Staff has not received correspondence from Longfellow Community Council. Staff will forward comments, if any are received, at the Board of Adjustment public hearing.

Findings Required by the Minneapolis Zoning Code:

VARIANCE: of the landscaping and screening requirements.

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.

Staff finds that there are not circumstances unique to the property that creates a practical difficulty in complying with the ordinance. The subject property is not required to provide additional stalls based on the nonconforming rights that exist with the building constructed in 1925. The addition of the child care center requires two drop-off spaces which would be allowed off-street or on-street with permission of the City Engineer. The applicant has indicated that the additional parking stalls are required for the proposed tenants. Providing the required seven feet of landscaped yard along the west property line will most likely require the removal of two of the proposed stalls, including one standard sized and one compact. However, the applicant may be able to provide 8-9 stalls on the property. Staff finds that the circumstances upon which the variance is requested have been created by the applicant.

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.

The applicant is seeking a variance of the landscaping and screening requirements to reduce the required 7-foot landscaped yard along the west property line, adjacent to the proposed surface parking lot. The applicant is proposing to add two feet of landscaping in the right-of-way. The purpose of regulating the landscaping and screening of surface parking lots to promote development that is compatible with nearby properties, neighborhood character, natural features and plans adopted by the city council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety, and to visually enhance development. The increased parking requirement for

the child care center is two drop-off spaces. The applicant is proposing to add 11 spaces to the property and an outdoor children's play area, as required by the Department of Health and Human Services for a child care center. In addition, the applicant is proposing to add the required landscaping materials, specifically canopy trees and shrubs, in the right-of-way. Along the south property line, the applicant is providing the required 7-foot landscaped yard in the right-of-way. However, along the west property line, the applicant is proposing 2 feet of landscaping where a 7-foot landscaped yard is required. The applicant has sufficient area to allow for the 7-foot required landscaped yard and provide 8-9 off-street parking spaces. Staff finds that the applicant is not proposing to use the property in a reasonable manner consistent with the zoning code and comprehensive plan.

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.

The subject property was developed in 1925 with the courtyard at the southwest corner of the lot. The property does not have access to off-street parking and the existing and proposed uses in the building have nonconforming rights to parking. The new child care center will require two drop-off spaces, either off-street or on-street with the permission of the City Engineer. The subject property is well served by transit and is located on the bus line #21, which provides Hi-Frequency service between Uptown and Downtown St. Paul. The applicant is proposing to add the parking lot to serve the proposed tenants. Providing the required 7-foot landscaped yard would likely result in the loss of two parking stalls. Additionally, CPED staff has concerns about the layout of the proposed accessible stall with the access aisle in the pedestrian walkway and these issues were also stated in the PDR report; therefore, the plan may need to be altered on the final submission. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or those utilizing the property or nearby properties.

Recommendation of the Department of Community Planning and Economic Development:

The Department of Community Planning and Economic Development recommends that the Board of Adjustment adopt the staff findings and **deny** of the variance of the screening and landscaping requirements for a proposed accessory surface parking lot located at 3408 Lake Street East in the C2 Neighborhood Corridor Commercial District.

Attachments:

1. Preliminary Development Review report
2. Written descriptions and findings submitted by the applicant
3. E-mails to Council Member Schiff and the Longfellow Community Council
4. Correspondence
5. Zoning map
6. Survey
7. Site plan
8. Photos