

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ 6395

Date: January 13, 2014

Applicant: 2500 University LLC

Address of Property: 300, 306 and 308 Lowry Avenue NE

Contact Person and Phone: Luke Derheim, (612) 788-2529

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

Date Application Deemed Complete: December 19, 2013

End of 60-Day Decision Period: February 17, 2014

Ward: 3 **Neighborhood Organization:** Bottineau Neighborhood Association, adjacent to Holland Neighborhood Improvement Association and Concerned Citizens for Marshall Terrace

Existing Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: 9

Legal Description: Lots 13 and 14, Block 16, B S Wright's Addition, except the East 40 feet thereof, Hennepin County, Minnesota

Proposed Use: Expansion of an existing principal parking lot serving Stanley's Northeast Bar Room at 2500 University Avenue NE.

Conditional use permit: to allow for the expansion of an existing principal parking facility located at 300, 306 and 308 Lowry Avenue NE in the C1 Neighborhood Commercial District. The existing principal parking facility serves an existing sit-down restaurant located at 2500 University Avenue NE in the C1 Neighborhood Commercial District.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permit, Chapter 530 Site Plan Review, Chapter 541 Off-Street Parking and Loading and Chapter 548 Commercial Districts

Background: The subject properties are located at the southeast corner of Lowry Avenue NE and 3rd Street NE and are approximately 118 feet by 85.9 feet (10,136 square feet). A principal parking lot exists at 306 and 308 Lowry Avenue NE. 300 Lowry Avenue NE is owned by Hennepin County Tax Forfeited Properties. The applicant has a lease to use the property located at 300 Lowry Avenue NE for two years and expand the parking lot onto the existing vacant parcel. The applicant owns the property located at 2500 University Avenue NE, which is Stanley's Northeast Bar Room, an existing sit-down restaurant. The applicant is also proposing a two-story addition to the existing restaurant that will increase the required parking from 13 to 29 off-street parking spaces.

A principal parking facility is a conditional use in the C1 Neighborhood Commercial District. The existing parking lot is deemed to have a conditional use permit. The expansion of the existing parking lot requires an amendment to the conditional use permit based on section 520.140(b) of the zoning ordinance.

Staff has not received correspondence from the Bottineau Neighborhood Association. Staff will forward comments, if any received, at the City Planning Commission public hearing.

CONDITIONAL USE PERMIT: to allow a principal parking facility serving Stanley's Northeast Bar Room at 2500 University Avenue NE.

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:

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

A surface parking lot that complies with the applicable landscaping and screening standards of Chapter 530, Site Plan Review will not be detrimental to or endanger the public health, safety, comfort or general welfare. The continued use of a surface parking lot will alleviate congestion in the public street by providing a surface parking lot for a use for an expanded sit-down restaurant located at 2500 University Avenue NE.

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 existing parking area currently alleviates the short-term parking need in the immediate and nearby community. The owners of the subject property also own Stanley's Northeast Bar Room at 2500 University Avenue NE and are proposing a two-story addition to the existing restaurant. The applicant recently leased the property at 300 Lowry Avenue NE from Hennepin County, to allow for the existing accessory parking lot expansion. The design of the parking lot complies with the landscaping and screening requirements of Chapter 530, Site Plan Review. With the proposed site plan improvements, the expanded use of the parking lot 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.

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

The site is served by existing infrastructure and would be accessed from an existing curb cut on Lowry Avenue NE, ensuring that traffic will not increase along 3rd Avenue NE. There is an existing curb cut along 3rd Street NE that will be closed. The Public Works Department will review the plans as part of the Preliminary Development Review process and ensure that the final plan is in compliance with standards related to access and circulation, drainage, infiltration and sewer/water connections.

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

The applicant owns the property at 2500 University Avenue NE. The existing building at 2500 University Avenue NE is Stanley's Northeast Bar Room, a sit-down restaurant. The applicant is proposing to construct a two-story addition to the existing restaurant and the required parking will increase from 13 spaces to 29 spaces. The parking requirement was reduced through the bicycle incentive (10% reduction) to 26 spaces. The existing on-site parking lot at 2500 University Avenue NE has 23 stalls and will be reduced to 21 stalls with the proposed addition. The existing parking area on the subject parcels has 14 parking stalls and would increase to 22 stalls with the proposed expansion, which alleviates the short-term parking need in the immediate and nearby community. In addition, the applicant is working with NiceRide MN to provide a docking station in the parking lot on the subject properties. Therefore, the applicant is proposing to have a 9,603 square foot restaurant with 44 off-street parking spaces, between the two properties. Therefore, staff finds adequate measures will be provided to minimize traffic congestion in the public streets.

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

The site is designated as mixed use and located in a commercial node on a community corridor. The plan states that the mixed use designation "allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed use." Further, the plan states "Minneapolis' Neighborhood Commercial Nodes are typically comprised of a handful of small- and medium-sized businesses focused around one intersection. These nodes primarily serve the needs of the immediate surrounding area, although they may also contain specialty stores that serve a regional client base. Neighborhood business prosperity varies throughout the city and is affected by a variety of factors, including the buying power in the surrounding locality and competition from other commercial areas." Lowry Avenue NE is a designated community corridor. Community Corridors are defined as "primarily residential with intermittent commercial uses clustered at intersections in nodes. Commercial uses, generally small-scale retail sales and services, serving the immediate neighborhood."

Land Use Policy 1.4: 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.

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.

1.4.3 Continue to implement land use controls applicable to all uses and structures located in commercial districts and corridors, including but not limited to maximum occupancy standards, hours open to the public, truck parking, provisions for increasing the maximum height of structures, lot dimension requirements, density bonuses, yard requirements, and enclosed building requirements.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.

Land Use Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

1.11.2 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

4.2.5 Encourage small business opportunities, such as appropriate home occupations and business incubators, in order to promote individual entrepreneurs and business formation.

The *Lowry Avenue Corridor Plan* was developed through a cooperative effort of Hennepin County, the City of Minneapolis, other public agencies, and the residents and business owners along Lowry. The study envisions a coordinated, phased plan for the entire Lowry Avenue corridor, and was based on three goals adopted by the County for the Lowry Avenue corridor: enhance access to jobs through public transportation; effectively link civic spaces through transit, bicycle and pedestrian connections; and congregate services, retail and office space around transit centers/nodes. The Study Area for the Lowry Avenue Corridor Plan includes the first block both north and south of Lowry Avenue on the entire corridor; although recommendations that pertain to the subject site are more general in nature and include roadway improvements, pedestrian/bicycle improvements and key redevelopment opportunity areas.

Staff comment: The proposed parking lot will allow for the expansion of an existing commercial use within a commercial node. The proposed rezoning is consistent with these goals of *The Minneapolis Plan* and *The Minneapolis Plan for Sustainable Growth* and the Lowry Avenue Corridor Plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

- Parking lots of more than four parking spaces are subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review.
- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. The applicant is proposing to install a seven-foot wide landscaped yard along Lowry Avenue NE and 3rd Street NE.
- A seven-foot landscaped yard is required along the south interior property line and an 11.5 foot landscaped front yard for the first 25 feet along 3rd Street NE from the southwest corner

of the property. The applicant is providing the minimum landscaped yards in the required locations.

- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The applicant is proposing a four-foot high, landscaped hedge along 3rd Street NE and Lowry Avenue NE.
- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district or a permitted or conditional residential use. The applicant is proposing to have a 4-foot high wood fence in the required interior side yard and a 6-foot high wood fence in the required rear yard along the south property line.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The applicant will be required to provide three trees along 3rd Street NE and 5 trees along Lowry Avenue NE. This provision is being met. In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This provision is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. This provision is being met. The periphery yards are landscaped. The majority of the site will allow for on-site filtration and additional stormwater will be directed through the curb cut along Lowry Avenue NE, where practical.

RECOMMENDATIONS:

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 to allow for the expansion of an existing principal parking facility located at 300, 306 and 308 Lowry Avenue NE in the C1 Neighborhood Commercial District, subject to the following conditions:

1. Approval of the final site, landscape and floor plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by January 9, 2016, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. 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.
4. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

Department of Community Planning and Economic Development Report
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Attachments:

1. PDR Report
2. Written descriptions and findings submitted by the applicant
3. Letters to Council Member Frey and neighborhood associations
4. Correspondence
5. Zoning map
6. Future land use map
7. Site plan
8. Photos