

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variances
BZZ-2274

Date: April 25, 2005

Applicant: At Home Apartments, dba River Gates Apartments

Address of Property: 3000 and 3010 West River Parkway

Project Name: River Gates Apartments

Contact Person and Phone: Andy Wilhoit 651-225-8227x15 or Steve Webb 651-225-8227x22

Planning Staff and Phone: Lonnie Nichols, 612-673-5468

Date Application Deemed Complete: April 11, 2005

End of 60-Day Decision Period: June 9, 2005

End of 120-Day Decision Period: Not applicable at this time

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

Existing Zoning: 3000 West River Parkway (R6) and 3010 West River Parkway (R1A)

Proposed Zoning: Rezone 3010 West River Parkway from R1A to R6

Zoning Plate Number: 28

Legal Description: 3000 West River Parkway: Wass Addn to Mpls, Block 001, Lots 1 to 12 incl EX PKWY incl adj ½ if vac alley. 3010 West River Parkway: Wass Addn to Mpls, Block 001, Lots 13 incl adj ½ if vac alley

Proposed Use: Same as existing, 36 unit apartment building in R6. Then add 5 at grade parking stalls on asphalt surface and fencing to adjacent, contiguous lot in the R1A proposed for the R6.

Concurrent Review: At Home Apartments has filed application to rezone 3010 West River Parkway from R1A to R6 to match the existing R6 zoning of 3000 West River Parkway, to amend a conditional use permit to add 5 parking stalls at grade along the alley of 3010 West River Parkway, for a variance to reduce the side yard setback from 9 to 5 feet a parking stall, for a variance to reduce two-way drive aisle width from 22 to 7 feet along the alley, and for a variance for fence height to screen the parking located at 3010 West River Parkway South in the R1A district.

Applicable zoning code provisions: Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-specifically 525.360 (b) (other) changes in approved conditional use permit and 525.520 (1) to vary yard requirements, (14) to reduce the minimum required width of parking aisles, (5) to permit an increase in the maximum height of a fence, Chapter 535 Regulations of General Applicability, Chapter 541-Off Street Parking and Loading, Chapter 546 Residence District.

Background: The zoning inspections division of the City cited the property for a change to the development plan affecting parking and loading on November 3, 2004, and required an amendment to the conditional use permit the property is deemed to have for a multi-family residential building. The applicants have indicated that in an attempt to clean up an already congested street parking situation, 5 standard-size off-street parking stalls were created at grade on an asphalt slab along the alley of the adjacent lot, under the same ownership, that has been used to provide green space for the existing 36 unit apartment building over the past three decades. While the adjacent lot to the south (3010 W. River Pkwy) of the apartment building lot (3000 W. River Pkwy) has been treated as part of the apartment grounds since its purchase and the construction of the apartment building in 1968, it has remained in the R1A zoning district. The segment of alley between 3000 and 3010 W. River Pkwy was vacated in 1925 (#18-38) resulting in the creation of an L-shaped alley, instead of T-alley. The apartment building lot (3000 W River Pkwy) was rezoned from R1 to B1-2 in 1965 (R-160) to allow the construction of an apartment building and the zoning of the parcel was changed to R6 with the adoption of the 1999 zoning code. Uses located in the R6 district may not have their parking located in the R1A district. A front yard variance for the lot, as it applies to the 47th Avenue frontage, to allow open air private vehicle parking was granted in 1967 (V-376). A variance to allow an increase in height from 4 to 6 feet for a solid privacy fence along the southerly lot line in the alley vacation area of 3000 W. River Pkwy was granted in 1969 (V-487). A front yard variance from 11.5 feet to 1 feet 10” for 3000 W. River Pkwy was granted in 1978 (V-1228). The applicants, At Home Apartments, are also owners in the West River Commons development located on the North side of Lake Street on West River Parkway. As of the writing of this report, staff had not received comment from nearby neighbors, the neighborhood organization, or the general public.

Findings As Required By The Minneapolis Zoning Code for the Rezoning:

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

The Minneapolis Plan identifies Lake Street from 36th Avenue South 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. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards 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. These streets are also important

identifiers and travel routes for neighborhood residents and pass-through traffic. The proposed rezoning is consistent with the following relevant policies of the comprehensive plan:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors 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.

Relevant Implementation Steps

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

Promote more intensive residential development along these corridors where appropriate.

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Prioritize transit advantages to Community Corridor streets, and encourage the routing of express transit service to these streets wherever possible.

9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.

Relevant Implementation Steps

Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

Expand the understanding of the role that urban density plays in improving business markets, increasing the feasibility of urban transit systems and encouraging the development of pedestrian-oriented services and open spaces.

Advance the understanding of urban housing and urban retailing among all members of the design and development community

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

The amendment to rezone is in the interest of the property owner and tenants of the building. As per the proposed development plan, the amendment is in the public interest by providing 5 additional off-street parking stalls while minimizing the amount of impervious surface created. The addition of 5 off-street parking stalls will make 37 stalls for 36 dwelling units.

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 zoned R6 and contains a 36 unit apartment building that currently uses the subject property for yard space serving the residents. To the East of the property is West River Parkway. To the South and Southwest of the property is a R1A zoning district that includes several duplexes, single family homes, the Danebo facility, and Minnehaha Academy. To the West of the property is an accessory parking garage in the C1 that serves the said apartment building and a C2 district. To the North and Northwest of the property is Lake Street and a mix of residential and commercial uses in the C1 and R5 districts, including the new mixed-use West River Commons development. The R6 district is compatible with these districts and 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.

The property could be used for the construction of a single family home. The property has been used to provide a yard and green space for the existing 36 unit apartment building over the past three decades.

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.

A gas station was removed from a site on the North side of Lake Street, site remediation undertaken, and a new mixed-use development, West River Commons, constructed at the intersection of Lake Street and West River Parkway. West River Commons is an example of a mixed-use, moderate density commercial-residential redevelopment project on a community corridor designed in coordination with the neighborhood, developer, and City of Minneapolis.

Findings as required by the Minneapolis Zoning Code to amend the conditional use permit to add five parking stalls at grade along the alley of 3010 West River Parkway to serve the 36 unit apartment building at 3000 West River Parkway:

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.

The parking stalls have already been established and do not appear to be detrimental to or endanger the public health, safety, comfort or general welfare.

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 establishment of five parking stalls at grade along the alley of 3010 West River Parkway serving the apartment building at 3000 West River Parkway should not be injurious to the use and enjoyment of other property in the vicinity and should 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.

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

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

The establishment of five off-street parking stalls at grade along the alley of 3010 West River Parkway serving the adjacent 36 unit apartment building at 3000 West River Parkway provides additional measures to minimize traffic congestion in the public streets.

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

See finding number one in the rezoning section of this report.

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.

Provided the rezoning and variance findings included in this report are supported by the City Planning Commission and City Council and the dumpster for the apartment building is screened per code, the establishment of the five parking stalls 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.

Findings Required by the Minneapolis Zoning Code for a variance to reduce the side yard setback from 9 to 5 feet for a parking stall:

- 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 applicant's objective is to establish 5 off-street parking stalls along the alley of 3010 West River Parkway, in an effort to minimize street congestion and provide a minimum of one off-street parking stall for each of the 36 dwelling units in the apartment building located at 3000 West River Parkway. The Hennepin County property information webpage lists the width of 3010 W River Pkwy as 47 feet. Since the subject property is being used as a yard for 3000 W River Pkwy, the interior side yard setback established by the 3 story apartment building is 9 feet. 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.

- 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.**

The subject property (3010 West River Parkway) has been used as a yard for the adjacent apartment building (3000 West River Parkway) located at the intersection of a community corridor and parkway street for approximately three decades. In addition, a fourteen foot wide alley separating the two properties was vacated in 1925 creating another unique circumstance for the parcel of land. Representatives for At Home Apartments, the current owners, have indicated they purchased the property in 1997, and therefore did not create the shortage of off-street parking stalls for the existing 36 unit apartment building.

- 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.**

The apartment building already provides surface parking adjacent to alley for tenants on the 3000 West River Parkway lot. 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 if the parking lot is landscaped and screened to the standards of Chapter 530 of the zoning code.

- 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 setback variance has been requested to provide off-street parking. 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.

Findings Required by the Minneapolis Zoning Code for a variance to reduce two-way drive aisle width from 22 to 7 feet along the alley:

- 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 applicant's objective is to establish 5 off-street parking stalls along the alley of 3010 West River Parkway, in an effort to minimize street congestion and provide a minimum of one off-street parking stall for each of the 36 dwelling units in the apartment building located at 3000 West River Parkway. Providing a full 22 foot drive aisle on the lot for the 5 parking stalls would create approximately 600 square feet (40 x 15) more of impervious surface, which would be undesirable given that the said area can serve as green yard space for tenants and maintain a ecological function to filter and storm water. The property cannot be put to a more reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

- 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.**

The subject property (3010 West River Parkway) has been used as a yard for the adjacent apartment building (3000 West River Parkway) located at the intersection of a community corridor and parkway street for approximately three decades. In addition, a fourteen foot wide alley separating the two properties was vacated in 1925 creating another unique circumstance for the parcel of land. Representatives for At Home Apartments, the current owners, have indicated they purchased the property in 1997, and therefore did not create the shortage of off-street parking stalls for the existing 36 unit apartment building.

- 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.**

The apartment building already provides surface parking adjacent to alley for tenants on the 3000 West River Parkway lot. These existing parking stalls provide an estimated 5 foot wide drive aisle. Combined with the 14-foot width alley and the proposed 7-foot drive aisle width, vehicles would have 21 feet to maneuver into and out of the new parking stalls. 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.

- 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. 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.

Findings Required by the Minneapolis Zoning Code for a variance for fence height from 4 feet to 6 feet along an interior side lot line located approximately 4 ½ feet from the adjacent attached garage structure:

- 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 applicants have provided solid cedar fence, 6 feet in height, to screen the parking area from the adjacent residential property to the South. The applicants indicated this new fencing replaced a fence of the same height in the same location along the interior lot line that was in disrepair. The applicants have estimated that the section of fence on the interior lot line is 4 ½ feet away from the attached garage structure on the adjacent property to the south. The fence is in line with the south wall of the existing garage on the subject property which is accessed from the front (48th Avenue) of the lot. 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.

- 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.**

The subject property (3010 West River Parkway) has been used as a yard for the adjacent apartment building (3000 West River Parkway) located at the intersection of a community corridor and parkway street for approximately three decades. In addition, a fourteen foot wide alley separating the two properties was vacated in 1925 creating another unique circumstance for the parcel of land. A variance to allow an increase in height from 4 to 6 feet for a solid privacy fence along the southerly lot line in the alley vacation area of 3000 W. River Pkwy was granted in 1969.

- 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.**

The applicants have provided a solid cedar fence, 6 feet in height, to screen the parking area along the alley at 3010 West River Parkway. The fence is in line with the south wall of the existing garage on the subject property which is accessed from the front (48th Avenue South) of the lot. 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.

- 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 proposed variance for fence height 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.

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 rezoning of 3010 West River Parkway from the R1A to the R6 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit amendment to add five parking stalls at grade along the alley of 3010 West River Parkway to serve the 36 unit apartment building at 3000 West River Parkway, subject to the following conditions:

1. The dumpster for the apartment building shall be screened as required by section 535.80 of the zoning code.
2. Approval of the rezoning of 3010 West River Parkway from R1A to R6
3. Approval of applicable variances to accommodate the asphalt parking pad and fencing.
4. The applicant shall consider adding bicycle parking for the apartment building.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the side yard setback from 9 to 5 feet for the rear 25 feet of 3010 West River Parking to allow parking and vehicular maneuvering, subject to the following conditions:

1. Landscaping, native plants, or perennials shall be located in the setback area between the parking lot and the south property line.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce two-way drive aisle width from 22 to 7 feet along the alley of 3010 West River Parkway.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance for fence height from 4 feet to 6 feet for the rear 50 feet of the South interior side lot line of 3010 West River Parkway.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Previous City actions
5. Zoning map
6. Plans
7. Photos