

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning Petition, Conditional Use Permit, Variances, and Site Plan Review  
BZZ – 4129

**Date:** September 8, 2008

**Applicant:** Jan Dar Investment

**Address of Property:** 3118-3126 Queen Avenue North

**Project Name:** Parking Lot for North End Hardware

**Contact Person and Phone:** Darryl Weivoda, (952) 929-1195

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** August 5, 2008

**End of 60-Day Decision Period:** October 4, 2008

**End of 120-Day Decision Period:** On August 25, 2008, staff sent the applicant a letter extending the decision period no later than December 3, 2008.

**Ward:** 4      **Neighborhood Organization:** Jordan (borders Cleveland)

**Existing Zoning:** R2B Two-Family Residence District (3118 Queen Avenue North) and C1 Neighborhood Commercial District (3126 Queen Avenue North)

**Proposed Zoning:** Add the TP Transitional Parking Overlay District to 3118 Queen Avenue North

**Zoning Plate Number:** 7

**Legal Description of 3118 Queen Avenue North:** Lot 28, Block 1, Penn Avenue Addition to Minneapolis, Hennepin County, MN.

**Proposed Use:** Surface parking lot.

**Concurrent Review:**

**Petition to rezone** the property of 3118 Queen Avenue North to add the TP Transitional Parking Overlay District.

**Conditional use permit** to allow a parking lot.

**Variance** to reduce the front yard requirement along Queen Avenue from 26.5 feet to 20 feet.

**Variance** to reduce the interior side and rear yard requirements on the north and east sides of 3118 Queen Ave N and the interior side yard requirement on the south side of 3126 Queen Ave N.

CPED Planning Division Report  
BZZ – 4129

**Variance** to increase the maximum amount of impervious surface allowed in the R2B district from 65 percent to 74.7 percent.

**Variances** of the TP overlay district standards requiring that the parking lot that the parking lot not exceed 75 feet in width.

**Site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VI Zoning Amendments; Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520 (1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations,” (15) “To vary the maximum...impervious surface coverage requirements,” and (20) “To vary the standards of any overlay district...”; and Chapter 530, Site Plan Review.

**Background:** The applicant proposes to expand a parking lot located at the properties of 3118-3126 Queen Avenue North. A 21 space parking lot exists at 3126 Queen Avenue. The lot went through site plan review in 1999. As part of the Hennepin County Lowry Avenue reconstruction project, a large part of the landscaped yard between the parking area and the right-of-way was taken to widen the Lowry Avenue right-of-way. Information on the streetscape improvements was not available at the time this report was written. A single-family dwelling that occupied the property of 3118 Queen Avenue North was demolished earlier this year. The property is currently vacant. The parking lot is proposed to be expanded onto this property to increase the number of parking spaces to 27. The parking lot would serve the businesses located at 3115-3121 Penn Avenue and 2211 Lowry Avenue.

The site is currently zoned R2B and C1. The applicant is proposing to add the TP overlay to allow a parking lot on the part of the site zoned R2B because nonresidential uses first allowed in a commercial district are not allowed to park in a residential district.

A parking lot in the TP overlay district requires a conditional use permit. Upon approval of a conditional use permit, the action must be recorded with Hennepin County as required by state law.

A front yard is required along Queen Avenue. In the R2B district, the minimum front yard requirement is equal to 20 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 26.5 feet, therefore the established setback is applied. The proposed parking area would be set back 20 feet. A variance is required.

Interior side yards are required along the north property line of 3118 Queen Avenue and the south property line of 3126 Queen Avenue and a rear yard is required adjacent to the alley on the property of 3118 Queen Avenue. The minimum set back required is 5 feet. The proposed parking area would extend into these yards. Variances are required.

The maximum amount of impervious surface allowed in the R2B district is 65 percent of the lot area. The area of the site located in the R2B district is approximately 5,093 square feet, therefore not more than 3,310 square feet of impervious area is allowed. A total of 3,805 square feet of impervious surfaces (74.7 percent of the R2B portion of the site) are proposed. A variance is required.

Specific standards apply to parking lots located in the TP overlay district. The maximum parking lot width allowed is 75 feet. The parking lot would be 96 feet wide. A variance is required for not complying with this standard. Another standard that the proposal would not comply with is closing off the parking lot with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m. Through the conditional use permit, the applicant is requesting that the Planning Commission authorize the parking lot to not be secured.

Site plan review is required to allow alley access and to reduce the landscaped yard requirements for parking lots.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**REZONING:** Petition to rezone the property of 3118 Queen Avenue North to add the TP Transitional Parking Overlay District to the R2B Two-Family District.

**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 property of 3118 Queen Avenue North is near Penn Avenue and Lowry Avenue, which are designated as community corridors by *The Minneapolis Plan*. It is also adjacent to a designated commercial node at the intersection of Lowry and Penn. In the *Minneapolis Plan for Sustainable Growth* the land use designations would remain the same. According to the principles and polices outlined in the plan, the following apply to this proposal:

**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.**

**Applicable Implementation Step**

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

**4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.**

**Applicable Implementation Steps**

Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes.

Limit the territorial expansion of Neighborhood Commercial Nodes, but encourage rehabilitation and reinvestment in existing buildings.

Ensure that commercial uses do not negatively impact nearby residential areas.

*Staff comment:* The properties and businesses to be served by the proposed parking lot are located on the Penn Avenue and Lowry Avenue community corridors and the Penn and Lowry neighborhood commercial node. The existing parking lot that is proposed to be expanded is adjacent to Lowry Avenue. The applicant has indicated that the rezoning is necessary to provide parking for employees and customers. The TP overlay district would limit the expansion of the neighborhood commercial node because the R2B district would remain as the underlying zoning district and the provisions of the R2B district, such as yard requirements, would still apply. Parking lots in the TP overlay district are subject to standards that are intended to minimize the impact of nonresidential parking lots on surrounding properties. The proposed rezoning is consistent with these goals of *The Minneapolis Plan*.

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

The parking lot would serve businesses that are located in a neighborhood commercial node and adjacent to two community corridors. The businesses provide services to the surrounding neighborhoods. The applicant has indicated that having off-street parking available is needed for these businesses. The amendment is in the public interest and not solely in the interest of the property owner.

**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 site is located across an alley from nonresidential properties that front Penn Avenue and Lowry Avenue and are zoned C1 and C2. The existing parking lot is adjacent to Lowry Avenue and Queen Avenue and is zoned C1. Properties to the south and west of the site are predominantly residential. The only residential property directly adjacent to the site is zoned R2B. On the block east of Penn Avenue and south of Lowry, a portion of the Penn-Lowry Crossing development adjacent to Oliver Avenue, a primarily residential street, is zoned with the TP overlay district. The proposed zoning should be compatible with the surrounding uses and zoning classifications.

**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 R2B district allows residential uses of low density. Only a few nonresidential uses, a preschool, a child care center and a developmental achievement center, could be allowed on this site because of its size. Although some reasonable use of the property is allowed in the R2B district, the R2B zoning does not allow parking for commercial uses.

**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.**

No zoning changes have occurred on the block on which the subject site is located since it was placed in its present zoning classification. Within the last two years, the C2 district zoning was expanded and the TP overlay district was added to the block east of Penn Avenue for the Penn-Lowry Crossing development.

**CONDITIONAL USE PERMIT:** to allow a surface parking lot in the TP overlay district.

**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.**

One of the standards of the overlay district requires 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. to prevent unauthorized use of the parking lot when businesses are not open to the public. The applicant is requesting that the Planning Commission not require gating the lot. Alley access from the parking lot is proposed to allow maneuvering for loading at the property of 3117 Penn Avenue North where North End Hardware is established. The existing parking area in the C1 district is not gated. According to the Police Department, this property does not have a history of problems during the hours of 10:00 p.m. and 6:00 a.m. They also stated that the owners and employees at North End Hardware are very helpful and cooperative. The establishment of a parking lot on the site should not prove detrimental to public health, safety, comfort or general welfare provided that the recommended crime prevention design elements in the site plan review section of this report are implemented.

- 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 parking lot would serve existing buildings and businesses. The applicant is requesting that the Planning Commission not require gating the lot. Staff is recommending that the Planning Commission not require it as well as long as crime prevention design elements are incorporated into the site plan. The use should have little effect on surrounding properties.

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

The site is served by existing infrastructure. Vehicle access would be from Queen Avenue and the alley. The Public Works Department will review the project for appropriate drainage and

stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The entire parking lot would contain 27 parking spaces, eight of which would be located in the TP overlay district. Vehicle access is proposed through a curb cut on Queen Avenue and the alley. The parking lot would serve existing buildings and businesses to the east fronting Penn Avenue. The parking lot should have little effect on congestion in the streets.

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

The property of 3118 Queen Avenue North is near Penn Avenue and Lowry Avenue, which are designated as community corridors by *The Minneapolis Plan*. It is also adjacent to a designated commercial node at the intersection of Lowry and Penn. In addition to the principles and policies identified in the rezoning section of this report, the following apply to this proposal:

**4.5 Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.**

**Applicable Implementation Steps**

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic, reduced visual impacts, mitigated impacts on neighboring uses and shared use of parking facilities.

**9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.**

**Applicable Implementation Step**

Require the landscaping of parking lots.

**9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.**

**Applicable Implementation Steps**

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

Require screening and buffering for new developments next to residential areas.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

*Staff comment:* The parking lot would be used by existing buildings and businesses located in a commercial node. The site is adjacent to one residential property. Where the site is adjacent to the residence, the applicant has oriented the parking spaces away from the residential property and has indicated that these spaces will be for employee parking. The applicant is requesting

variances to reduce yard requirements and the plan does not comply with the Chapter 530 Site Plan Review screening requirements. Staff is recommending that additional landscaping and screening be provided. With the implementation of the staff recommendation, the proposed parking lot would be consistent with the comprehensive 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.**

The use of the site for a parking lot will conform to the applicable regulations of the districts in which it is located upon the approval of the rezoning, conditional use permit, variances, and site plan review.

**VARIANCES:** 1) to reduce the front yard requirement along Queen Avenue from 26.5 feet to 20 feet and 2) to reduce the interior side yard and rear yard requirements on the north and east sides of 3118 Queen Ave N and the interior side yard requirement on the south side of 3126 Queen Ave N.

**Findings as required by the Minneapolis Zoning Code:**

**1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

*Front:* A front yard is required along Queen Avenue. In the R2B district, the minimum front yard requirement is equal to 20 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 26.5 feet, therefore the established setback is applied. Where the site is zoned C1, the front yard requirement is 20 feet where located within 40 feet of residential zoning. The parking area would be set back 20 feet. The part of the parking area that extends into the front yard is a driveway with no maneuvering required for vehicles parking or backing out of spaces. Where only a driveway is proposed, the minimum width required is 12 feet. A 20 foot wide driveway is proposed. If the driveway is reduced to 12 feet, a variance for the front yard requirement would not be necessary, the amount of pervious surface would be increased, and no parking spaces would be eliminated.

*Interior side and rear:* Interior side yards are required along the north property line of 3118 Queen Avenue and the south property line of 3126 Queen Avenue and a rear yard is required adjacent to the alley on the property of 3118 Queen Avenue. The minimum set back required is 5 feet. The proposed parking area would extend into these yards. If the parking were to comply with these yard requirements, 16 parking spaces would be eliminated and the maneuvering for the loading at the property of 3117 Penn Avenue North would be impeded. The parking is adjacent to an alley and nonresidential uses are located across the alley. The request is reasonable.

**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.**

CPED Planning Division Report  
BZZ – 4129

*Front:* Complying with the front yard requirement would not result in the loss of any proposed parking. These circumstances are not unique and have been created by the applicant.

*Interior side and rear:* The Hennepin County Lowry Avenue reconstruction project has resulted in a shift of the parking spaces further south because a portion of the north side of the site is being added to the Lowry Avenue right-of-way. Although the proposed rezoning of 3118 Queen Avenue to add the TP overlay district would allow a parking lot in a residential district, the underlying residential district requirements, such as yard set backs, still apply. The proposal would increase the parking area without increasing the amount of commercial zoning outside of the commercial node at the intersection of Penn Avenue and Lowry Avenue. These circumstances are unique to the property and have not been created by the applicant.

- 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.**

In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses.

*Front:* The adjacent residence is set back 26.5 feet from the front lot line. The average set back of houses on the block appears to be greater than 20 feet as well. Complying with the yard requirement would increase the amount of landscaped area, which is more characteristic of a residential neighborhood.

*Side and rear:* The side and rear yards where the parking would be an obstruction are not adjacent to any residential uses. The side yards would be occupied by parking spaces. The rear yard is adjacent to an alley. In the C1 area of the parking area, a rear yard is not required. Requiring a rear yard would impede the loading operations for the property of 3117 Penn Avenue North. The granting of the variances should have little effect on the surrounding properties.

- 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.**

*Front, side and rear:* The CPED Department does not expect that granting the variances would affect congestion or public safety.

**VARIANCE:** to increase the maximum amount of impervious surface allowed in the R2B district from 65 percent to 74.7 percent.

**Findings as required by the Minneapolis Zoning Code:**

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

CPED Planning Division Report  
BZZ – 4129

The maximum amount of impervious surface allowed in the R2B district is 65 percent of the lot area. The area of the site located in the R2B district is approximately 5,093 square feet, therefore not more than 3,310 square feet of impervious area is allowed in that area. A total of 3,805 square feet of impervious surfaces (74.7 percent of the R2B portion of the site) are proposed. In other words, approximately 495 square feet of additional pervious surfaces would need to be provided to comply with the district requirement. The applicant is also requesting a variance to reduce the front yard requirement. The part of the parking area that extends into the front yard is a driveway with no maneuvering required for vehicles parking or backing out of spaces. Where only a driveway is proposed, the minimum width required is 12 feet. A 20 foot wide driveway is proposed. If the driveway is reduced to 12 feet, a variance for the front yard requirement would not be necessary, the amount of impervious surface would be reduced by approximately 230 square feet (total impervious surface would then cover 70.4 percent of the R2B portion of the site), and no parking spaces would be eliminated. If the 26.5 foot yard between the parking area and Queen Avenue North extends from the south side of the site up to the south side of the proposed driveway access from Queen Avenue, approximately 170 square feet of additional landscaping could be added without eliminating parking. Staff believes increasing the overall amount of pervious surface on the site is a reasonable alternative.

- 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.**

Some additional landscaping can be added on the site. However, much of the landscaped area on the site is located on the portion zoned C1 where a maximum impervious surface requirement does not apply.

- 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 maximum impervious surface requirements are established to provide a number of benefits from landscaping such as buffers between uses, on-site retention of stormwater, and preserving the residential character of an area. Providing more landscaping adjacent to Queen Avenue is more characteristic of the residential neighborhood and would lessen the impact on surrounding properties.

- 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 granting of the variance should not affect public safety or increase congestion in the public streets.

**VARIANCE:** Variance of the TP overlay district standard requiring that the parking lot not exceed 75 feet in width.

**Findings as required by the Minneapolis Zoning Code:**

- 1. The property can not 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 maximum allowed width of a parking lot located in the TP overlay district is 75 feet. The proposed parking lot would be 96 feet wide as viewed from Queen Avenue. However, most of the parking area is located in the C1 portion of the site. To comply with the requirement, a row of parking would need to be eliminated. The request is reasonable.

- 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 Hennepin County Lowry Avenue reconstruction project has resulted in a shift of the parking spaces further south because a portion of the north side of the site is being added to the Lowry Avenue right-of-way. Part of the parking area is located in the C1 district that is not located in the Penn Avenue and Lowry Avenue commercial node. The proposal would increase the parking area without increasing the amount of commercial zoning outside of the commercial node. These circumstances are unique and have not been created by the applicant.

- 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 purpose of the TP overlay standards includes minimizing the impacts of allowing parking for a commercial use in a residential district on surrounding properties and limiting the expansion of commercial parking into primarily residential neighborhoods. The parking lot would be adjacent to only one residential property. It would be located across an alley from nonresidential uses. Staff is recommending that additional landscaping and screening be provided to provide physical transition and more separation to the surrounding residential properties. The granting of the variance should have little effect on the surrounding properties.

- 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 CPED Department does not expect that granting the variance would significantly affect congestion or public safety.

**SITE PLAN REVIEW**

Findings as required by the Minneapolis Zoning Code for the site plan review:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

**Section A: Conformance with Chapter 530 of the Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

CPED Planning Division Report  
BZZ – 4129

- a. **Windows shall be vertical in proportion.**
- b. **Windows shall be distributed in a more or less even manner.**
- c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

*Conformance with above requirements:*

A building is not existing or proposed.

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

*Conformance with above requirements:*

A building is not existing or proposed on the site. However, the parking lot is intended to serve the buildings located across the alley. The buildings have entrances on Lowry Avenue and Penn Avenue. A walkway connecting the parking lot to the public sidewalk is not proposed. Staff is recommending that the Planning Commission require the applicant to provide a walkway at least 4 feet in width between the parking area and the Lowry Avenue sidewalk and that is next to the accessible parking spaces so pedestrians are not required to walk through the alley or over landscaping to gain access to the public sidewalk.

A transit shelter is not proposed on the site. Any transit shelters in the right-of-way would be built as part of the Lowry Avenue reconstruction project.

CPED Planning Division Report  
BZZ – 4129

A 22-foot wide curb cut is proposed on Queen Avenue. It would be located more than 50 feet from the closest residential property. The proposed parking should have minimal impact on pedestrians and surrounding residential properties along Queen Avenue.

Alley access is proposed. Residentially zoned properties are located south of the site with access to the alley. Alley access is prohibited for any non-residential uses over 4,000 square feet in area. The Planning Commission is authorized through section 530.150 of the zoning code to authorize an exception to this requirement where strict adherence is impractical because of site location or conditions and the exception meets the intent of this ordinance. The commercial uses on the block are located at the north end across from the proposed parking lot. The commercial buildings on Penn Avenue only have vehicle access from the alley. The applicant has indicated that in order to accommodate loading operations for these buildings, some maneuvering occurs over the alley and the subject site. If alley access were not allowed, loading would have to occur from the alley blocking traffic. The applicant has indicated they receive deliveries from a semi trailer once a week. Deliveries from trucks of varying sizes also occur periodically throughout a typical week. The loading access would not interfere with pedestrian traffic. The existing parking lot has alley access. Planning staff is not aware of a history of any problems associated with the alley access. In the Preliminary Development Review report attached to this report, Public Works has stated that parking and loading maneuvering shall not occur in the right-of-way. However, the zoning code has different standards for parking and loading. In section 541.290 of the zoning code it states that “All maneuvers associated with parking shall occur in the off-street parking area...” In section 541.530 of the zoning code it states that “to the extent practical, all maneuvers associated with loading shall occur in the off-street loading area.” The parking lot on the subject site is designed so that all parking maneuvers can occur outside of the alley right-of-way. Because of the existing building configuration, it is not practical for all maneuvers associated with loading to occur within the property. The Planning Commission approved alley access when the lot went through site plan review in 1999. For these reasons, staff believes that the alley access would not significantly affect residential properties, and is recommending that the Planning Commission grant alternative compliance.

The proposed site plan does not minimize the use of impervious surfaces. Staff is recommending that the width of the landscaped yard adjacent to Queen Avenue increase in size. With the addition of more landscaping, the amount of impervious surface proposed would not be excessive.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.**
- **Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**

CPED Planning Division Report  
BZZ – 4129

- A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

*Conformance with above requirements:*

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 13,349 square feet. A building is not proposed, therefore at least 2,669.8 square feet must be landscaped. Approximately 2,388 square feet of the site would be landscaped. That is equal to 17.9 percent of the net lot area. Staff is recommending the front yard variance be denied. As a condition of approval for the impervious surface variance, staff is recommending that additional landscaping be added. Through these variance recommendations the amount of landscaped area on the site would be increased by approximately 400 square feet bringing the overall percentage of landscaping on the site to 20.9 percent. Staff is recommending that alternative compliance not be granted.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 and 27 respectfully. The applicant would provide 7 canopy trees on-site including existing trees. No shrubs are proposed. The required shrubs can be used to meet the screening requirements for the parking area. Staff is recommending that alternative compliance not be granted.

The surface parking area is located adjacent to Lowry Avenue on the north side, to Queen Avenue on the west side, and to a residence on the south side. Landscaped yards and screening are required along these sides.

- Along Lowry Avenue, a landscaped yard at least 7 feet wide is required. A landscaped yard varying from 2.5 feet to 6.5 feet is proposed. The county has purchased much of the existing landscaped yard in order to widen Lowry Avenue. Additional landscaping cannot be provided without eliminating parking or reducing the amount of landscaping on the south side of the site. Staff is recommending that the Planning Commission grant alternative compliance for the yard width. A tree is required for every 25 feet of parking lot frontage along the street. The width of the landscaped yard does not allow trees to be

provided along the entire length of the parking area. It is likely that the proposed Lowry Avenue streetscape will include trees. Staff is recommending that the Planning Commission require at least one tree be provided on the east end of the landscaped yard where the yard is wider. Screening that is 3 feet in height and at least 60 percent opaque is also required. No screening is currently proposed. The proposed Lowry Avenue streetscape may include elements sufficient to meet the screening requirements. If not, it is feasible for the applicant to provide screening with a fence or hedge.

- Along Queen Avenue, the minimum front yard requirement varies between 20 feet and 26.5 feet depending on the underlying zoning. The applicant is requesting a variance to reduce it to 20 feet. Staff is recommending that the applicant provide a 26.5 foot landscaped yard up to the south side of the Queen Avenue driveway. A tree would be provided for every 25 feet of parking lot frontage along the street. Screening that is 3 feet in height and at least 60 percent opaque is also required. No screening is proposed. It is feasible for the applicant to provide screening with a fence or hedge. If a fence is installed as part of the Lowry Avenue streetscape, staff is recommending that the same fence style be installed adjacent to Queen Avenue.
- A 7-foot wide landscaped yard that contains at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space is required between the parking area and the adjacent residential property. The area of the required landscaped yard is approximately 450 square feet in area. The tree and shrub requirement in this area is 1 and 5 respectively. A 5 foot wide yard is proposed that would contain two trees. If the width of the yard is increased, landscaping on the north side of the site or parking would be eliminated. Staff is recommending that alternative compliance be granted for the yard width, but not for the minimum number of shrubs. Screening that is 6 feet in height and 95 percent opaque is also required. A letter from the adjacent property owner has been submitted requesting that an exception be made for this requirement because a 6 foot high screen would not be aesthetically pleasing next to the white picket fence on their property and would also inhibit views into the parking area. Staff believes that allowing a 3-foot high hedge is a reasonable alternative.

If the staff recommendation to increase the amount of landscaped area adjacent to Queen Avenue is implemented, all areas of the parking lot not available for parking spaces or vehicular circulation would be landscaped.

All parking spaces would be within 50 feet of an on-site deciduous tree if the existing trees remain or are reestablished after the Lowry Avenue reconstruction project.

#### **ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.

CPED Planning Division Report  
BZZ – 4129

- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

*Conformance with above requirements:*

The parking area would be defined by 6-inch by 6-inch concrete curbing. The site gradually slopes towards the alley. It is feasible to retain some stormwater on-site in the landscaped yard adjacent to Queen Avenue if the proposed grade of the southwest portion of the parking area is modified. Staff is recommending that discontinuous curbing be provided on the west side of the parking area to accommodate on-site filtration and retention of some of the stormwater.

The elements of the site plan should not impede any views of important elements of the city.

No buildings are proposed that would shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design and the staff recommendation for improvements would allow natural surveillance and visibility. Between the street and the parking area, the required shrubs and trees will need to allow views between 3 and 7 feet. Adjacent to Lowry Avenue, Queen Avenue, and the neighboring residential property, a row of shrubs or a fence would control and guide movement on the site and distinguish between public and private spaces.

No structures exist on the site.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:** The site is currently zoned R2B and C1. The applicant is proposing to add the TP overlay to allow a parking lot on the part of the site zoned R2B because nonresidential uses first allowed in a commercial district are not allowed to park in a residential district. A parking lot in the TP overlay requires a conditional use permit.

**Parking and Loading:** Twenty-seven parking spaces are proposed, including two handicap-accessible spaces. All parking spaces and drive aisles comply with the minimum size requirements.

**Maximum Floor Area:** Not applicable.

**Minimum Lot Area:** Not applicable.

**Building Height:** Not applicable.

**Yard Requirements:** A front yard is required along Queen Avenue. In the R2B district, the minimum front yard requirement is equal to 20 feet or the set back of the adjacent residential structure, whichever is greater. The adjacent residential structure is set back 26.5 feet, therefore the established setback is applied. In the C1 district, a front yard equal to the front yard required by an adjacent residence district must be provided in a commercial district for the first 40 feet from such residential property. Because the C1 district portion of the site would still be adjacent to residential zoning, the minimum front yard requirement for the parking is 20 feet. The proposed parking area would be set back 20 feet. The applicant is requesting a variance to reduce the front yard requirement on the part of the site zoning R2B to allow the parking lot.

Interior side yards are required along the north property line of 3118 Queen Avenue and the south property line of 3126 Queen Avenue and a rear yard is required adjacent to the alley on the property of 3118 Queen Avenue. The minimum set back required is 5 feet. The proposed parking area would extend into these yards. The applicant is requesting variances.

**Maximum Impervious Surface:** The maximum amount of impervious surface allowed in the R2B district is 65 percent of the lot area. The area of the site located in the R2B district is approximately 5,093 square feet, therefore not more than 3,310 square feet of impervious area is allowed. A total of 3,805 square feet of impervious surfaces (74.7 percent of the R2B portion of the site) are proposed. The applicant is requesting a variance.

**Standards of the Overlay District:** The parking lot is subject to the Transitional Parking Overlay District standards outlined in section 551.430.

**551.430. Conditional uses.** In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the TP Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

(1) Parking lot, serving customers and employees only. Parking lots for customer and employee automobiles may be located in the TP Overlay District, subject to Chapter 541, Off-Street Parking and Loading, and the following standards:

- a. The 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.
- b. The width of the parking lot shall not exceed seventy-five (75) feet.
- c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
- d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.
- e. The parking lot shall at no time be used for outdoor sales, display or storage.

CPED Planning Division Report  
BZZ – 4129

- f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.
- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

The parking lot would comply with standards a, c, e, f and g. The parking lot would be 96 feet wide. The applicant is requesting to vary standard b. Through the conditional use permit, the applicant is requesting that the Planning Commission authorize the parking lot to not be secured.

**Hours of Operation:** Please see the conditional use permit section of this report.

**Lighting Requirements:** Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**Screening of mechanical equipment:** No mechanical equipment is proposed.

**Signs:** No signage is proposed.

**MINNEAPOLIS PLAN:** Please see the rezoning and conditional use permit sections of this report.

**ALTERNATIVE COMPLIANCE:**

CPED Planning Division Report  
BZZ – 4129

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant for the following standards:

- Walkway for pedestrian access

A building is not existing or proposed on the site. However, the parking lot is intended to serve the buildings located across the alley. The buildings have entrances on Lowry Avenue and Penn Avenue. A walkway connecting the parking lot to the public sidewalk is not proposed. Staff is recommending that the Planning Commission require the applicant to provide a walkway at least 4 feet in width between the parking area and the Lowry Avenue sidewalk and that is next to the accessible parking spaces so pedestrians are not required to walk through the alley or over landscaping to gain access to the public sidewalk.

- Alley access

Alley access is proposed. Residentially zoned properties are located south of the site with access to the alley. Alley access is prohibited for any non-residential uses over 4,000 square feet in area. The Planning Commission is authorized through section 530.150 of the zoning code to authorize an exception to this requirement where strict adherence is impractical because of site location or conditions and the exception meets the intent of this ordinance. The commercial uses on the block are located at the north end across from the proposed parking lot. The commercial buildings on Penn Avenue only have vehicle access from the alley. The applicant has indicated that in order to accommodate loading operations for these buildings, some maneuvering occurs over the alley and the subject site. If alley access were not allowed, loading would have to occur from the alley blocking traffic. The applicant has indicated they receive deliveries from a semi trailer once a week. Deliveries from trucks of varying sizes also occur periodically throughout a typical week. The loading access would not interfere with pedestrian traffic. The existing parking lot has alley access. Planning staff is not aware of a history of any problems associated with the alley access. In the Preliminary Development Review report attached to this report, Public Works has stated that parking and loading maneuvering shall not occur in the right-of-way. However, the zoning code has different standards for parking and loading. In section 541.290 of the zoning code it states that “All maneuvers associated with parking shall occur in the off-street parking area...” In section 541.530 of the zoning code it states that “to the extent practical, all maneuvers associated with loading shall occur in the off-street loading area.” The parking lot on the

CPED Planning Division Report  
BZZ – 4129

subject site is designed so that all parking maneuvers can occur outside of the alley right-of-way. Because of the existing building configuration, it is not practical for all maneuvers associated with loading to occur within the property. The Planning Commission approved alley access when the lot went through site plan review in 1999. For these reasons, staff believes that the alley access would not significantly affect residential properties, and is recommending that the Planning Commission grant alternative compliance.

- Twenty percent landscaping

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 13,349 square feet. A building is not proposed, therefore at least 2,669.8 square feet must be landscaped. Approximately 2,388 square feet of the site would be landscaped. That is equal to 17.9 percent of the net lot area. Staff is recommending the front yard variance be denied. As a condition of approval for the impervious surface variance, staff is recommending that additional landscaping be added. Through these variance recommendations the amount of landscaped area on the site would be increased by approximately 400 square feet bringing the overall percentage of landscaping on the site to 20.9 percent. Staff is recommending that alternative compliance not be granted.

- Minimum number of shrubs

The zoning code requires at least one shrub for each 100 square feet of required green space. The shrub requirement for this site is 27. No shrubs are proposed. The required shrubs can be used to meet the screening requirements for the parking area. Staff is recommending that alternative compliance not be granted.

- Landscaped yard and screening requirements

The surface parking area is located adjacent to Lowry Avenue on the north side, to Queen Avenue on the west side, and to a residence on the south side. Landscaped yards and screening are required along these sides.

- 1) Along Lowry Avenue, a landscaped yard at least 7 feet wide is required. A landscaped yard varying from 2.5 feet to 6.5 feet is proposed. The county has purchased much of the existing landscaped yard in order to widen Lowry Avenue. Additional landscaping cannot be provided without eliminating parking or reducing the amount of landscaping on the south side of the site. Staff is recommending that the Planning Commission grant alternative compliance for the yard width. A tree is required for every 25 feet of parking lot frontage along the street. The width of the landscaped yard does not allow trees to be provided along the entire length of the parking area. It is likely that the proposed Lowry Avenue streetscape will include trees. Staff is recommending that the Planning Commission require at least one tree be provided on the east end of the landscaped yard where the yard is wider. Screening that is 3 feet in height and at least 60 percent opaque is also required. No screening is currently proposed. The proposed Lowry Avenue streetscape may include elements sufficient to meet the screening requirements. If not, it is feasible for the applicant to provide screening with a fence or hedge.
- 2) Along Queen Avenue, the minimum front yard requirement varies between 20 feet and 26.5 feet depending on the underlying zoning. The applicant is requesting a variance to

CPED Planning Division Report  
BZZ – 4129

- reduce it to 20 feet. Staff is recommending that the applicant provide a 26.5 foot landscaped yard up to the south side of the Queen Avenue driveway. A tree would be provided for every 25 feet of parking lot frontage along the street. Screening that is 3 feet in height and at least 60 percent opaque is also required. No screening is proposed. It is feasible for the applicant to provide screening with a fence or hedge. If a fence is installed as part of the Lowry Avenue streetscape, staff is recommending that the same fence style be installed adjacent to Queen Avenue.
- 3) A 7-foot wide landscaped yard that contains at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space is required between the parking area and the adjacent residential property. The area of the required landscaped yard is approximately 450 square feet in area. The tree and shrub requirement in this area is 1 and 5 respectively. A 5 foot wide yard is proposed that would contain two trees. If the width of the yard is increased, landscaping on the north side of the site or parking would be eliminated. Staff is recommending that alternative compliance be granted for the yard width, but not for the minimum number of shrubs. Screening that is 6 feet in height and 95 percent opaque is also required. A letter from the adjacent property owner has been submitted requesting that an exception be made for this requirement because a 6 foot high screen would not be aesthetically pleasing next to the white picket fence on their property and would also inhibit views into the parking area. Staff believes that allowing a 3-foot high hedge is a reasonable alternative.
- Discontinuous curbing
- The parking area would be defined by 6 inch by 6 inch concrete curbing. The site gradually slopes towards the alley. It is feasible to retain some stormwater on-site in the landscaped yard adjacent to Queen Avenue if the proposed grade of the southwest portion of the parking area is modified. Staff is recommending that discontinuous curbing be provided on the west side of the parking area to accommodate on-site filtration and retention of some of the stormwater.

**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 of 3118 Queen Avenue North to add the TP Transitional Parking Overlay District.

**Recommendation of the Community Planning and Economic Development Department – 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 application for a conditional use permit to allow a surface parking lot in the TP overlay district for the property located at 3118 Queen Avenue North, 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. Closing of the parking lot between the hours of 10:00 p.m. and 6:00 a.m. shall not be required.

**Recommendation of the Community Planning and Economic Development Department – 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 **deny** the application for a variance to reduce the front yard requirement along Queen Avenue from 26.5 feet to 20 feet to allow a parking lot for the property located at 3118 Queen Avenue North.

**Recommendation of the Community Planning and Economic Development Department – 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 application for variances to reduce the interior side and rear yards on the north and east sides of the property located at 3118 Queen Ave N and the interior side yard requirement on the south side of the property located at 3126 Queen Ave N to allow a parking lot.

**Recommendation of the Community Planning and Economic Development Department – 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 **deny** the application for variance to increase the maximum impervious surface requirement from 65 percent to 74.7 percent, and in lieu

thereof, the Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** a variance to increase the maximum impervious surface requirement from 65 percent to 70.4 percent for the property located at 3118 Queen Avenue North, subject to the following condition:

- 1) A 26.5 foot wide yard shall be provided between the parking area and Queen Avenue North from the south side of the site up to the south side of the proposed driveway access from Queen Avenue.

**Recommendation of the Community Planning and Economic Development Department – 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 application for variance of the TP overlay district standard requiring that the parking lot not exceed 75 feet in width for the properties located at 3118-3126 Queen Avenue North.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a parking lot with 27 spaces for the properties located at 3118-3126 Queen Avenue North, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by October 10, 2009, or the permit may be revoked for non-compliance.
3. A walkway at least 4 feet in width shall be provided between the parking area and the Lowry Avenue sidewalk that is next to the accessible parking spaces as required by section 530.130 of the zoning code.
4. At least 20 percent of the site shall be landscaped as required by section 530.160 of the zoning code.
5. At least 27 shrubs shall be provided on-site as required by section 530.160 of the zoning code.
6. Between the parking area and the Lowry Avenue right-of-way, at least one tree shall be provided, and if the Lowry Avenue streetscape plans do not include a fence, screening that is at least 60 percent opaque and three feet tall shall also be provided as required by section 530.170.
7. Between the parking area and Queen Avenue, screening that is at least 60 percent opaque and three feet tall shall be provided as required by section 530.170 of the zoning code. If the Lowry

CPED Planning Division Report  
BZZ – 4129

Avenue streetscape plans include a fence, the same type of fence shall be installed along Queen Avenue.

8. Between the parking area and the adjacent residential property, a 3-foot high hedge shall be provided as required by section 530.170 of the zoning code.
9. Discontinuous curbing shall be provided on the west side of the parking area and the grading of the parking area shall be modified to facilitate some filtration and retention of stormwater as required by section 530.230 of the zoning code.

**Attachments:**

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