

Department of Community Planning and Economic Development
Rezoning, Conditional Use Permit and Site Plan Review
BZZ-5937

Date: March 25, 2013

Applicant: Nina C. Wong

Address of Property: 1113-17 16th Avenue SE

Project Name: NCW Properties LLC parking lot

Contact Person and Phone: Nina Wong, (612) 676-1818

CPED Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: March 1, 2013

End of 60-Day Decision Period: April 30, 2013

End of 120-Day Decision Period: On June March 13, 2013 staff sent a letter to the applicant extending the 60-day decision period to June 29, 2013.

Ward: 2 **Neighborhood Organization:** SE Como

Existing Zoning: R1A, Single-family district; UA, University Area Overlay district

Proposed Zoning: R1A, Single-family district; UA, University Area Overlay district and TP, Transitional Parking Overlay district

Zoning Plate Number: 16

Lot area: 9,621 square feet

Legal Description: The north 33 feet of Lot 1, Block 3, Elwell's Addition to Minneapolis, Hennepin County, Minnesota; and Lot 2, Block 3, Elwell's Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Surface parking lot with 22 spaces.

Concurrent Review:

- Rezoning to add the TP, Transitional Parking Overlay district.
- Conditional Use Permit for a surface parking lot with 22 spaces in the TP, Transitional Parking Overlay district.
- Site Plan Review for a 22-space surface parking lot.

Applicable zoning code provisions: Chapter 525: Article VII Conditional Use Permits, Article IX and Chapter 530 Site Plan Review.

Background: The applicant is proposing to establish a 22-space surface parking lot on a vacant site at 1113-17 16th Avenue SE. The subject site is located in the southwest corner of the intersection of E Hennepin Avenue and 16th Avenue SE. The project also includes a refuse storage enclosure in the southwest corner of the site. The proposed parking lot would serve an existing restaurant in the adjacent building at 1500 E Hennepin Avenue. The building in which the restaurant is located has two additional tenant spaces that are currently vacant. The property is zoned R1A, Single-family and contains the University Area Overlay district. The applicant is requesting rezoning to add the TP, Transitional Parking Overlay district to allow for the accessory parking lot.

The purpose of the Transitional Parking (TP) Overlay district is to allow parking lots for passenger automobiles in residence and office-residence districts when adjacent to a zoning district in need of additional parking for customers and employees. Parking lots are a conditional use in the TP Overlay district and a conditional use permit has been applied for accordingly. Parking lots containing ten or more new spaces also require site plan review.

The site is in the SE Como neighborhood. No correspondence has been received from the neighborhood as of the writing of this staff report. Any correspondence received will be forwarded on to the Planning Commission for consideration.

REZONING: (to apply the TP, Transitional Parking Overlay district)

Findings as required by the Minneapolis Zoning Code:

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

The Minneapolis Plan for Sustainable Growth identifies this site as urban neighborhood on the future land use map. E Hennepin Avenue, bordering the site to the north, is a Community Corridor in this location. According to the Principles and Policies outlined in the comprehensive plan, the following apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes

pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

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

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

The proposed rezoning will allow for a surface parking lot to be established and provide off-street parking for an adjacent restaurant use. The proposed parking will assist in retaining small-scale commercial uses along a Community Corridor, as called for in the comprehensive plan. The design of the parking lot complies with the landscaping and screening requirements of Chapter 530, Site Plan Review, and provides an adequate transition to the residential uses south of the site.

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

A rezoning to add the TP, Transitional Parking Overlay district would be considered in the interest of both the property owner and the public as it would allow for the provision of needed parking for an existing commercial use. Establishing a surface parking lot will alleviate congestion in the public street by providing a surface lot for a use that historically has not had off-street parking.

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 currently zoned R1A, Single-family district with the UA, University Area Overlay district. The area south and east of the site is low-density residential. To the north there is a triplex that fronts on E Hennepin Avenue and two large industrial uses. Directly west of the site is the commercial building for which the parking is intended to serve. This building was constructed in 1926 and currently contains a restaurant use and three vacant tenant spaces. The site also partially borders a single family home to the west. The Transitional Parking Overlay district is compatible with the zoning and uses of surrounding properties.

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 base zoning classification is R1A and that would remain unchanged as part of this project. The R1A district would allow a single family home on this site. It may be possible for each platted lot to be developed with a single family home if variances were to be approved. However, the parcel at the corner has never contained residential development and has historically been associated with the building at 1500 E Hennepin Avenue. The parcel at 1113 16th Avenue SE has also been used for commercial purposes in the past. While the construction of single family homes would allow for reasonable use, the proposed rezoning will allow for needed parking without changing the base zoning classification.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code the subject properties were zoned R1A. However, the two parcels have been under common ownership with the commercial building at 1500 E Hennepin Avenue since at least 2004. According to City records it appears as though the parcel at the corner, at 1117 16th Avenue SE has historically been associated with the building at 1500 Hennepin Avenue E and has never contained a structure. The parcel at 1113 16th Avenue SE has been used for commercial purposes in the past, including as a licensed Christmas tree sales lot in 1992. The rezoning would allow for legally established surface parking on a site that has historically been associated with an adjacent commercial building.

CONDITIONAL USE PERMIT : (to allow a surface parking lot with 22 spaces in the TP, Transitional Parking Overlay district.)

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – 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 be detrimental to or endanger the public health, safety, comfort or general welfare.

A surface parking lot that complies with the applicable setbacks and landscaping and screening standards of Chapter 530, Site Plan Review will not be detrimental to or endanger the public health, safety, comfort or general welfare. Nearly all required landscaping standards, screening standards and setbacks are being met with the proposed parking lot design.

2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The property is located in a fully developed area and allowing a surface parking lot at this intersection on a Community Corridor is not expected to be injurious to the use and enjoyment of other property in the vicinity nor should it impede on possible future development. The area includes a mix of uses, including residential uses to the south and east, a commercial building with a restaurant use to the west and industrial uses to the north. There is an existing curb cut on the property and the refuse storage containers for the commercial building at 1500 E Hennepin are currently stored on the site. The proposed design will include a proper refuse storage enclosure, landscaping yards and adequate screening for the use to mitigate any potential impact on neighboring residential uses.

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

The site is served by existing infrastructure and would be accessed from an existing curb cut on 16th Avenue SE. The Public Works Department will review the plans as part of the Preliminary Development Review process and will review the final plans for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The proposed surface parking lot should help to alleviate congestion in the public streets by providing an off-street parking location for the commercial building at 1500 E Hennepin Avenue. This building does not have any off-street parking at this time. The 22 parking spaces proposed will be available for use by employees and customers of the adjacent restaurant use. The residential uses on this block are accessed via driveways, as opposed to alleys, and the proposed lot will result in fewer traffic conflicts than on the adjacent streets by reducing on-street parking. The applicant is proposing to use an existing curb cut off 16th Avenue SE. The curb cut is located 25 feet from the adjacent residential use.

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

The Minneapolis Plan for Sustainable Growth identifies this site as urban neighborhood on the future land use map. Hennepin Avenue, bordering the site to the north, is a Community Corridor in this location. According to the Principles and Policies outlined in the comprehensive plan, the following apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.
- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

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

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

The proposed rezoning will allow for a surface parking lot to be established and provide off-street parking for an adjacent restaurant use. The proposed parking will assist in retaining small-scale commercial uses along a Community Corridor, as called for in the comprehensive plan. The design of the parking lot complies with the landscaping and screening requirements of Chapter 530, Site Plan Review, and provides an adequate transition to the residential uses south of the site.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

Surface parking lots in the TP, Transitional Parking Overlay district are subject to the following additional requirements:

- The width of the parking lot shall not exceed seventy-five (75) feet.

Staff comment: The parking lot is 58 feet in width.

- The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.

Staff comment: The parking lot is intended to be used for employee and customer parking only.

- 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.

Staff comment: There is a three-foot wrought iron fence proposed around the perimeter of the site. Said fence will include a gate that will be closed between the hours of 10:00 p.m. and 6:00 p.m. Compliance with this provision will be included as a condition of approval.

- The parking lot shall at no time be used for outdoor sales, display or storage.

Staff comment: These activities are not proposed.

- 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.

Staff comment: The curb cut is located 25 feet north of the residential property on the south side of the site.

- The parking lot shall be landscaped and screened pursuant to the provisions of [Chapter 530](#), Site Plan Review.

Staff comment: With the proposed conditions of approval the parking lot will meet the landscaping and screening requirements of Chapter 530, Site Plan Review, as evaluated below.

SITE PLAN REVIEW

Required Findings for 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 Zoning Code

BUILDING PLACEMENT AND DESIGN:

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- 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:

 - 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 531.20 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **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.

The site does not include any buildings.

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.**

The parking lot is proposed to serve the adjacent commercial building at 1500 E Hennepin Avenue. The entrance to the restaurant tenant space in said building is at the corner of E Hennepin Avenue and 15th Avenue SE. The applicant is proposing a sidewalk connecting the parking lot to the public sidewalk along E Hennepin Avenue. Said walkway is approximately eight feet in width. While this area also includes bike parking, the location of the bike parking will allow for a walkway that is a minimum of four feet in width.

No transit shelters are proposed or adjacent to the site.

The parking lot will be accessed via an existing curb cut from 16th Avenue SE. Said curb cut is 20 feet in width. The limited width is in compliance with the Transitional Parking Overlay district standards and will help to minimize conflicts with pedestrian traffic on the adjacent sidewalk. The curb cut is located 25 feet from the adjacent residential use and a seven foot landscaped yard is provided between the parking lot and the south lot line, mitigating any impact on the adjacent residential properties. A landscaped yard is also provided between the parking lot and the west lot line. This landscaped yard varies in width from seven feet to four feet. The portion that is only four feet in width will require alternative compliance. The residential uses on this block are accessed via driveways, as opposed to alleys, and the

proposed lot will result in fewer traffic conflicts on the adjacent streets by reducing the amount of on-street parking.

The site plan includes a seven-foot landscaped yard along the north and south lots lines and a 20-foot landscaped yard along the east lot line, minimizing the amount of impervious surface on site.

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.
 - 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.**

The zoning code requires that at least 20 percent of the site be landscaped. The site is 9,621 square feet and 20 percent equates to a landscaped area of 1,924 square feet. The total landscaped area proposed is 2,348 square feet, exceeding the minimum requirement.

A landscaped yard a minimum of seven feet in width is required around nearly the entire perimeter of the parking lot, as it abuts a public street to the north and east and single family residences to the south and west. The only portion of the parking lot that does not require a 7-foot landscaped yard is the north 33 feet of the west property line. All required landscaped yards must include screening that is a minimum of three feet in height and 60 percent opaque.

Along the north property line, adjacent to E Hennepin Avenue, a 7-foot landscaped yard is provided with plantings that include a mix of prairie grasses and two deciduous trees. A three-foot decorative fence is also provided in this location. The proposed plantings will not achieve the required opacity. Staff recommends that shrubs that will reach a minimum height of three feet be provided in combination with ornamental grasses. Along the east property line, adjacent to 16th Avenue SE, a 20-foot landscaped yard is provided. The proposed landscaping in this yard includes ornamental grasses and staff again recommends that shrubs be provided in combination with ornamental grass. Two deciduous trees are also proposed in this location. Along the south property line, a 7-foot landscaped yard is provided that includes ornamental grasses, perennials and an existing solid, 6-foot fence. The proposed plantings in this location are adequate for screening when combined with the wood fence. Along the west property line, a landscaped yard that ranges from three feet to seven feet in width is proposed. The portion of the yard that is only three feet in width is reduced to allow for a walkway to the trash enclosure. Alternative compliance is required for the reduced yard width. Plantings in this location include perennials only. Staff recommends that shrubs be provided in addition to the proposed perennials. Said shrubs should achieve a minimum height of three feet and a minimum opacity of 60 percent.

The parking lot requires one tree for each 25 linear feet of parking area lot frontage. Additionally, each parking space must be located within 50 feet of the center of an on-site deciduous tree. Along E Hennepin Avenue, the length of the parking lot is 119 feet, requiring four trees. Three trees are proposed along this frontage. Alternative compliance is requested to allow three trees in lieu of four. Along 16th Avenue SE, two trees are required and two are proposed (the tree in the northeast corner of the lot is being counted toward both frontages). All parking spaces are located within 50 feet of the center of an on-site deciduous tree.

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.**
- **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.**

Continuous concrete curbing would be provided around the parking area. On-site retention of stormwater may not be practical due to the size of the site. Provisions for stormwater will be further reviewed by Public Works as part of the PDR process and any recommendations from the PDR report that result in changes to the site plan will require additional approvals.

The proposed site plan does not include any structures that would impact views of important elements of the city.

The proposed site plan does not include any structures that would produce shadowing. The only structure proposed is a trash enclosure.

Wind currents should not be a major concern as the site plan includes surface parking and a trash enclosure only.

The development would include crime prevention through environmental design. The parking area is connected to the public sidewalk adjacent to E Hennepin Avenue with a walkway that is eight feet in width. Said walkway will guide pedestrians to the entrance of the commercial building at 1500 E Hennepin Avenue. The parking lot will be surrounded by a three-foot fence for territorial reinforcement and landscaping will provide additional natural access control. The parking area will be gated from 10:00 p.m. to 6:00 a.m. in compliance with the Transitional Parking Overlay district standards.

There are no existing structures and the site is not located in a Historic District.

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 – Surface parking lots are a conditional use in the TP, Transitional Parking Overlay district.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The use is a surface parking lot; therefore there is no minimum parking requirement. The proposed parking lot is intended to provide parking for a restaurant use at 1500 E Hennepin Avenue. The restaurant is 1,575 square feet in area. The building has additional tenant spaces that are currently vacant. The restaurant has non-conforming rights for all of its required parking. However, if parking were required, the size of the use would result in a minimum vehicle parking requirement of four spaces.

Maximum automobile parking requirement: There is no maximum parking requirement for the parking lot use. If the adjacent restaurant space were subject to a maximum parking requirement, the maximum number of vehicles spaces allowed would be one space per 75 square feet of gross floor area, or 21 spaces. As stated above, there are three additional tenant spaces in the building that are vacant and for lease. There are 22 spaces proposed in the subject parking lot.

Bicycle parking requirement: There is no minimum bicycle parking requirement for the parking lot use. However, three bicycle parking spaces are proposed within the parking lot to serve the adjacent restaurant use.

Loading: The use is not subject to a minimum loading requirement.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A refuse storage container for the adjacent restaurant use is currently located on the site and is not properly screened. A refuse storage enclosure is proposed in the southwest corner of the parking lot to screen this refuse storage container. Said trash enclosure is seven feet from the rear lot line and ten feet from the side lot line. The refuse storage enclosure is connected to the public sidewalk with a walkway that is four feet in width.

Signs: There is no sign allotment for a parking lot use in the R1A, UA and TP districts and no signs are proposed.

Lighting: A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 of the zoning code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: Not applicable for this development.

Minimum Lot Area: Parking facilities in the R1A district have a minimum lot area requirement of 5,000 square feet. The subject site is 9,621 square feet, exceeding the minimum requirement.

Dwelling Units per Acre: Not applicable for this development.

Height: Not applicable for this development.

Yard Requirements: The minimum side yard and rear yard setback requirement in the R1A district is five feet. The minimum corner side yard setback is eight feet. The minimum front yard setback requirement in the R1A district is 20 feet. The proposed parking lot complies with all required yards.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

See the rezoning and conditional use permit sections of this report.

SMALL AREA PLANS

There are no adopted small area plans for the subject site.

ALTERNATIVE COMPLIANCE

The Planning Commission 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 to meet the following standards:

Alternative compliance is requested to allow a reduction in the required landscaped yard width for a portion of the west property line. A portion of this landscaped yard is reduced to three feet in width. Staff recommends granting alternative compliance with the condition that the landscaped yard include shrub plantings that are a minimum of three feet in height and 60 percent opaque for the length of this yard to adequately screen the parking area and refuse storage enclosure.

Alternative compliance is also requested to allow three trees in lieu of four along the north property line and to allow plantings that will not achieve the required opacity of 60 percent in the north, east and west landscaped yards. Staff does not recommend granting alternative compliance for either provision and additional plantings will be required as a condition of approval.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development for the rezoning to add the TP, Transitional Parking Overlay district:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for rezoning to add the TP, Transitional Parking Overlay district for the properties located at 1113-17 26th Avenue SE.

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit to allow a surface parking lot in the TP, Transitional Parking Overlay district, R1A, Single family district and UA, University Area Overlay district:

The Department of Community Planning and Economic Development 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 with 22 spaces for the properties located at 1113-17 16th Avenue SE, subject to the following condition:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.

Recommendation of the Department of Community Planning and Economic Development for the site plan review:

The Department of Community Planning and Economic Development recommends that the City Planning Commission **approve** the site plan review application for a surface parking lot at 1113-17 16th Avenue SE, subject to the following conditions:

1. All site improvements shall be completed by March 25, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, landscaping and lighting plans before building permits may be issued.
3. The parking lot shall be gated between the hours of 6:00 a.m. and 10:00 p.m. in compliance with Section 551.430 of the zoning code.
4. The north, east and west landscaped yards shall include shrubs that are a minimum of three feet in height and 60 percent opaque for the length of the parking area, in compliance with Section 530.170 of the zoning code.

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5. A minimum of four deciduous trees shall be planted within the north landscaped yard, adjacent to E Hennepin Avenue, in compliance with Section 530.170 of the zoning code.
6. The refuse storage container shall be enclosed on all four (4) sides by screening that is comprised of a durable material not less than two (2) feet higher than the refuse container, in compliance with Section 535.80 of the zoning code.

Attachments:

1. Statement of findings and project description
2. Correspondence
3. Zoning map
4. Rezoning matrix
5. Site plan
6. Photos