

Department of Community Planning and Economic Development (CPED)
Variances and Vacation
BZZ-6163 and Vac1616

Date: September 16, 2013

Applicant: Board of Education

Address of Property: 2200 Quincy Street Northeast

Project Name: Edison North Parking Lot Improvement Project

Contact Person and Phone: John Slack with Stantec, (651) 967-4554

CPED Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: July 31, 2013

End of 60-Day Decision Period: September 29, 2013

End of 120-Day Decision Period: Not applicable for this development

Ward: 1 **Neighborhood Organization:** Holland Neighborhood Improvement Association

Existing Zoning: R2B, Two-family District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 9

Legal Descriptions: Not applicable for this development

Proposed Use: Parking lot

Concurrent Review:

- **Variance:** to reduce the width of the drive aisle in the parking lot from the required 22 feet to 0 feet for a portion of the spaces that would utilize the proposed public alley for maneuvering purposes.
- **Variance:** to reduce the rear yard setback from the required 5 feet to 0 feet.
- **Variance:** to reduce the landscaped yard along the rear property line from the required 7 feet to 0 feet.
- **Alley vacation:** the south 20 (that was noticed as 30 feet) feet of the dedicated alley in Block 18, East Side Addition to Minneapolis. The block is bounded by Quincy St NE, Monroe St NE, 22nd Ave NE and 23rd Ave NE.

Applicable zoning code provisions: Chapter 525, Article IX, Variances, specifically Section 525.520(14) "To reduce the minimum width of parking aisles or to increase the maximum width of

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driveways in any zoning district, as regulated by Chapter 541, Off-Street Parking and Loading...”, Section 525.520(1) “To vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations” and Section 525.510(25) “To vary the screening and landscaping requirements of this zoning ordinance”.

Background: The applicant is proposing to make improvements to the existing parking lot located at 2200 Quincy Street Northeast. The parking lot is utilized by staff at Edison High School. The development requires three variances and a right-of-way vacation for a part of the public alley.

The applicant has indicated that the intent of the parking lot improvement project is to improve stormwater management by capturing stormwater from the parking lot in 5 different types of BMP's which include: a tree trench, over-story trees, pervious pavement, a stormwater infiltration curb and a stormwater infiltration garden. The intention of the BMP's is to capture a 5.2" rain event which is equivalent to a 15-year event.

As part of this project the applicant is proposing to vacate the southerly 20 feet of the public alley to install a stormwater infiltration garden. The applicant will also be applying for an encroachment permit to allow an additional 17-foot long area of pervious pavement which will be located in the public alley. Pervious pavement is allowed in the public alley with an encroachment permit. While the applicant would be responsible for its maintenance, pervious pavement would still allow the alley to remain open. The stormwater infiltration garden would not allow vehicles to pass over it so in order to allow this BMP in the area of the alley it would need to be vacated.

Vacating the southerly 20 feet of the public alley would create a dead-end alley, which is not allowed by city ordinance. As a solution to this situation the applicant is proposing to install a hammerhead that would be constructed within the existing parking lot drive aisle. The applicant would, through an easement, dedicate that portion of the hammerhead that would be constructed over the applicant's property as public right-of-way. The hammerhead would be used by the City's waste haulers and snow plow drivers and by the public to turn around in order to exit the alley. It should be noted that besides a change in pavement type it will not be obvious that the public alley does not run through the entire length of the parking lot to Quincy Avenue Northeast as no barriers will be used to delineate the alley hammerhead and drive aisle of the parking lot.

There are two garages along the alley that have their garage doors facing south. Those properties are located at 2214 Quincy Street Northeast and 2215 Monroe Street Northeast. Because of the way these garage doors face, the property owners will need to utilize the hammerhead to turn around before entering their garages or they will need to conduct a 3-point turn in their driveway before entering their garages.

In addition, commercial vehicles can park in an alley for up to 30 minutes without a permit. If a commercial vehicle were to park in the area of the proposed hammerhead then any vehicle parked in one of the spaces immediately adjacent to the proposed hammerhead and possibly a few spaces to the east would not be able to maneuver out of their parking spaces.

Given the location of the proposed hammerhead 3 variances are required. The first is a variance to reduce the width of the drive aisle in the parking lot from the required 22 feet to 0 feet for a portion of

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the spaces that would utilize the proposed public alley for maneuvering purposes. Those spaces immediately adjacent to the proposed hammerhead and a few spaces to the east would use the public alley to maneuver. Because the maneuvering would be in the right-of-way the variance is needed as the alley cannot double as a drive aisle in a parking lot.

The second variance that is required is to reduce the rear yard setback from the required 5 feet to 0 feet and the third variance that is required is to reduce the landscaped yard along the rear property line from the required 7 feet to 0 feet. Both of these variances are required for the area around the new hammerhead and the landscaped yard variance is also required along the perimeter of the area that is proposed to be vacated. The zoning code requires that parking lots be located 5 feet from the rear property line and that there be a 7-foot wide landscaped yard along an alley when adjacent to residential properties.

Neighborhood Comments: The Holland Neighborhood Improvement Association has not commented on the development project.

VARIANCE - to reduce the width of the drive aisle in the parking lot from the required 22 feet to 0 feet for a portion of the spaces that would utilize the proposed public alley for maneuvering purposes.

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Drive aisle width: The applicant is seeking a variance to reduce the width of the drive aisle in the parking lot from the required 22 feet to 0 feet for a portion of the spaces that would utilize the proposed public alley for maneuvering purposes. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The regulations, as applied, do not account for the unique stormwater management demonstration project BMP's the applicant is proposing.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Drive aisle width: The applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. Although the request is to reduce the width of the drive aisle to 0 feet the alley will be constructed within the existing parking lot drive aisle so functionally nothing will change once the project is complete.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Drive aisle width: Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposed improvements will provide stormwater management by capturing stormwater from the surface parking lot. The intention of the BMP's is to capture a 5.2" rain event which is equivalent to a 15-year event. The proposed use of the vacated portion of the alley will allow for a stormwater infiltration garden for alley water run-off. Additionally, the proposed project will increase greening and pervious surfaces by installing a tree trench, over-story trees, pervious pavements, and a stormwater infiltration curb. To accommodate these stormwater management features, the proposed hammerhead would need to be installed in order to provide a solution to a dead-end alley.

VARIANCE - to reduce the rear yard setback from the required 5 feet to 0 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 5 feet to 0 feet. This variance is required for the area around the new hammerhead. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The regulations, as applied, do not account for the unique stormwater management demonstration project BMP's the applicant is proposing.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Rear yard setback: The applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. In order to utilize the parking lot it would not be reasonable to set the parking lot back 5 feet from the perimeter of the proposed hammerhead as it would eliminate several parking spaces.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Rear yard setback: Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As part of the overall improvements being done to the site, the parking lot will be greatly enhanced with landscaping.

VARIANCE - to reduce the landscaped yard along the rear property line from the required 7 feet to 0 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Landscaped yard: The applicant is seeking a variance to reduce the landscaped yard along the rear property line from the required 7 feet to 0 feet. This variance is required for the area around the new hammerhead and along the perimeter of the area that is proposed to be vacated. In addition to being 7 feet in width, the landscaped yard would need to provide screening that is 6 feet in height and not less than 95 percent opaque, except in the required front yard along 22nd Avenue Northeast where the maximum height would be 3 feet. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The regulations, as applied, do not account for the unique stormwater management demonstration project BMP's the applicant is proposing.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Landscaped yard: The applicant is proposing to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. In order to utilize the parking lot it would not be reasonable to have a 7-foot wide landscaped yard around the perimeter of the proposed hammerhead as it would eliminate several parking spaces. Along the perimeter of the area that is proposed to be vacated, there will be a 7-foot wide landscaped yard as the area will be made into a stormwater retention garden.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Landscaped yard: Granting of this variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. As part of the overall improvements being done to the site, the parking lot will be greatly enhanced with landscaping. However, there is excess land at the ends of each parking row that cannot accommodate another parking space. CPED is recommending that these areas be landscaped.

VACATION (Vac1616) – Petition to vacate the south 20 feet of the dedicated alley in Block 18, East Side Addition to Minneapolis. The block is bounded by Quincy St NE, Monroe St NE, 22nd Ave NE and 23rd Ave NE.

Development Plan: The proposed site plan is included in the packet. The area to be vacated will be used as a stormwater infiltration garden.

Responses from Utilities and Affected Property Owners: Of the utilities and/or affected property owners that have responded Xcel Energy has requested an easement. Xcel Energy has overhead lines that run the entire length of the alley. If the vacation were to be approved an easement would need to be reserved in favor of Xcel Energy.

Findings: The Public Works Department finds that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor as long as the hammerhead is constructed so as to not create a dead end alley.

CPED staff finds that vacating the southerly 20 feet of the public alley, which then requires the creation of a hammerhead to avoid creating a dead-end alley, conflicts with selected policies of *The Minneapolis Plan for Sustainable Growth*.

The Minneapolis Plan for Sustainable Growth encourages the preservation of the City's transportation system. The transportation system includes not only the roadways themselves but also the City's alleyways and sidewalks. The specific policies and implementation steps in the comprehensive plan that support this include:

Policy 2.1: Encourage growth and reinvestment by sustaining the development of a multi-modal transportation system.

2.1.1 Continue addressing the needs of all modes of transportation, emphasizing the development of a more effective transit network.

2.1.2 Coordinate land use planning and economic development strategies with transportation planning.

2.1.4 Preserve the existing transportation grid through right-of-way preservation and acquisition.

Policy 2.2: Support successful streets and communities by balancing the needs of all modes of transportation with land use policy.

2.2.3 Promote street and sidewalk design that balances handling traffic flow with pedestrian orientation and principles of traditional urban form.

2.2.6 Encourage reconnection of the traditional street grid where possible, to increase connectivity for all travel modes and strengthen neighborhood character.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the width of the drive aisle in the parking lot from the required 22 feet to 0 feet for a portion of the spaces

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that would utilize the proposed public alley for maneuvering purposes for the property located at 2200 Quincy Street Northeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and approve the variance to reduce the rear yard setback from the required 5 feet to 0 feet for the property located at 2200 Quincy Street Northeast.

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and approve the variance to reduce the landscaped yard along the rear property line from the required 7 feet to 0 feet for the property located at 2200 Quincy Street Northeast subject to the following conditions:

1. The west end of each parking row shall be landscaped per the requirements of Section 530.170(d) of the zoning code.

Recommendation of the Department of Community Planning and Economic Development for the vacation (Vac1616):

The Department of Community Planning and Economic Development has no recommendation on the petition to vacate the south 20 feet of the dedicated alley in Block 18, East Side Addition to Minneapolis (the block is bounded by Quincy St NE, Monroe St NE, 22nd Ave NE and 23rd Ave NE).

Attachments:

1. Preliminary Development Review report from April 24, 2013
2. Variance findings
3. Vacation information and response letters
4. July 17, 2013, letters to Council Member Reich and the Holland Neighborhood Improvement Association
5. Letters from surrounding property owners
6. Zoning Map
7. Aerial photo
8. Civil plans
9. Photos of the site and surrounding area