

Department of Community Planning and Economic Development – Planning Division
Variance
BZZ-5277

Date: September 19, 2011

Applicant: Doran Development, LLC

Address of Property: 309-313 Oak Street SE

Project Name: Oak Street Apartments

Contact Person and Phone: Jim LaValle, (952) 288-2006

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

Date Application Deemed Complete: August 25, 2011

End of 60-Day Decision Period: October 24, 2011

Ward: 2 Neighborhood Organization: Prospect Park /East River Road Improvement Association (PPERRIA)

Existing Zoning: C3A, Community Activity Center district; PO, Pedestrian Oriented Overlay district; UA, University Area Overlay district

Proposed Zoning: N/A

Zoning Plate Number: 22

Lot area: 14,715 square feet

Legal Description: Not applicable for this application.

Proposed Use: Construction of a 6-story, mixed-use building with 60 dwelling units.

Concurrent Review:

- Variance to allow 47.8 percent (22 stalls) of the proposed parking stalls to be compact.

Applicable zoning code provisions: Chapter 525 Article IX, Variances.

Background: The applicant proposes to construct a new 6-story, 60-unit mixed use building with one ground floor commercial space. The property is zoned C3A, Community Activity Center district and is located in the Pedestrian Oriented Overlay and University Area Overlay districts. The property received land use approvals in June 2011 for the proposed building,

including a conditional use permit for 60 units, conditional use permit to allow a six story building, a variance to the minimum lot area requirement, a variance to increase the FAR, setback variances, a variance to reduce the off-street parking requirement, variance to increase the number of compact parking stalls beyond 25 percent and site plan review.

At the time of the initial application the applicant was proposing 17 compact parking stalls, equivalent to 37 percent of the total number of parking stalls. A variance was approved accordingly. The applicant is now proposing to modify the building to create a greater setback along a portion of the south property line to accommodate the needs of the University of Minnesota to maintain the parking ramp on the adjacent property. This modification will result in a greater number of compact parking stalls than what was initially approved. Of the 46 parking stalls proposed, 22 (47.8 percent) would now be compact. This requires an additional variance.

Staff has not received any correspondence from the Prospect Park/East River Road Improvement Association (PPERRIA) as of the writing of this report. Any correspondence received will be forwarded on to the Planning Commission for consideration.

VARIANCE: (Variance to allow 22 (47.8 percent) of the proposed parking stalls to be compact.)

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.**

The applicant is seeking a variance to allow 47.8 percent, or 22 parking stalls to be compact. The zoning code allows for up to 25 percent of the parking stalls to be compact stalls, or 11 stalls in this case. The zoning code requires minimum dimensions of 8'6" x 18' for a standard 90-degree parking stall. The applicant is proposing 22 stalls that are 8' x 15', the minimum required for a compact stall.

The parcel is irregularly shaped and the applicant has stated that geotechnical studies show the water table in the area is between 16 and 18 feet below grade. Therefore, only one level of below grade parking has been provided. The applicant has further stated that the foundation of the restaurant to the north partially encroaches onto the subject site, requiring extensive shoring and foundation modifications and making it difficult to provide any additional below grade parking. The University-owned Oak Street parking ramp to the south has footings that are less than two feet from the common property line. The University of Minnesota has requested that the applicant not build any closer to the south property line to allow for maintenance of the parking ramp. This condition further limits the width of the structure and the length of the parking stalls. These circumstances present practical difficulties in comply with the ordinance and are unique to the property.

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.

Allowing 47.8 percent of the provided parking to be compact is reasonable and would be in keeping with the spirit and intent of the ordinance. In general, parking regulations are established to recognize the parking and loading needs of uses and structures, to enhance the compatibility between parking and loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of off-street parking spaces. The parking regulations promote flexibility and recognize that excessive off-street parking conflicts with City policies. The Travel Demand Management Plan states that the compact stalls will be for contract parking only to ensure that compact vehicles are the only vehicles that utilize these spaces. The site is adequately served by transit and will soon be within the boundaries of a Transit Station Area. *The Minneapolis Plan for Sustainable Growth* states that development in Transit Station Areas is designed with the pedestrian, bicyclist, and/or transit user in mind and development in these areas serves individuals who are more likely to use transit. As a condition of approval, all compact stalls are required to be clearly labeled as such, in compliance with Section 541.330 of the zoning code.

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.

The requested variance should not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Allowing a reduction in the size of 47.8 percent of the parking stalls would likely have no impact on adjacent uses or properties. Several standard parking stalls have been provided to accommodate larger vehicles and a 22-foot drive aisle is provided to accommodate maneuvering for vehicles using these compact spaces. Making the compact stalls available for contract parking only will ensure that compact vehicles use these stalls and preserve the 22-foot drive aisle. Additional options for transit are available near the site and in the surrounding area, including a shared vehicle, bus service, future light service and an adequate supply of bicycle parking. Public parking options also exist in the immediate area. The Travel Demand Management Plan states that the adjacent Oak Street Ramp has parking stalls that are available for long-term use on a contract basis and the parking garage at 717 Delaware Avenue also offer contract parking. Further, the variance should not be detrimental to the health, safety, or welfare of the general public or those utilizing nearby properties.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to allow 47.8 percent of the parking stalls to be compact:

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow 22 (47.8 percent) of the parking stalls to be compact for the properties located at 309-13 Oak Street SE.

1. All compact stalls shall be clearly labeled as such, in compliance with Section 541.330 of the zoning code.

Attachments:

1. Statement of findings and project description
2. PDR Report
3. Correspondence
4. Zoning map
5. Future land use map with Central Corridor Transit Stations (pending Council adoption)
6. Site plan, floor plans and elevations
7. Shadow and context studies.
8. Photos