

**Department of Community Planning and Economic Development – Planning Division**  
Rezoning, Conditional Use Permit and Variances  
BZZ-4710

**Date:** April 26, 2010

**Applicant:** Abdirahim Omar

**Addresses of Property:** 3025 5<sup>th</sup> Avenue S

**Project Name:** Kamals Restaurant and Food

**Contact Person and Phone:** Abdirahim Omar (612) 501-8299

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

**Date Application Deemed Complete:** March 2, 2010

**End of 60-Day Decision Period:** May 1, 2010

**End of 120-Day Decision Period:** On March 19, 2010 staff sent a letter to the applicant extending the decision period to no later than June 30, 2010.

**Ward: 8      Neighborhood Organization:** Central Area Neighborhood Organization

**Existing Zoning:** R2B Two-Family District

**Proposed Zoning:** R2B Two-Family District and TP Transitional Parking Overlay District

**Zoning Plate Number:** 25

**Legal Description:** Lot 014, Block 001, Hastings Second Addition to Minneapolis

**Proposed Use:** Accessory parking lot

**Concurrent Review:**

- Petition to rezone the property at 3025 5th Avenue S from R2B Two-Family District to R2B Two-Family District and TP Transitional Parking Overlay District.
- Conditional use permit to allow a parking lot in the R2B Two-Family District and TP Transitional Parking Overlay District.
- Variance to reduce the required north side yard setback from 5 feet to 0 feet.
- Variance to the maximum impervious surface requirement from 65 percent to 77 percent.
- Variance of the Transitional Parking Overlay District standards requiring that the entrances and exits are located at least twenty (20) feet from any adjacent property located in a residence or office residence district to allow for a parking lot.

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- Variance to reduce the required 7-foot landscaped yard between the parking lot and the adjacent residential lot to 0 feet.
- Variance to allow open parking spaces within 6 feet of a dwelling.

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, Chapter 530 Site Plan Review, Chapter 551 Overlay Districts and Chapter 541 Off-Street Parking and Loading.

**Background:** Abdirahim Omar has submitted land use applications to allow for an accessory parking lot with ten spaces to be established on property at 3025 5<sup>th</sup> Avenue S. Of those ten spaces, five are proposed to be compact. The parking would be to accommodate a proposed restaurant in the first floor of the building at 3021 5<sup>th</sup> Avenue S. The second floor of the building will be used as storage for a wholesaling, warehousing and distribution use. Accessory parking for the building is currently located on the north side of the building, at 3017 5<sup>th</sup> Avenue S. The site proposed for the additional accessory parking is located mid-block, between Lake Street and 31<sup>st</sup> Street E.

The subject site has most recently been used illegally as a parking lot. According to the City's aerial photos, the lot was paved in or around 1978 after the previous residential structure was demolished. The property was zoned R2B at that time and a parking lot was not a permitted use in that district. Therefore, the site does not have any non-conforming rights for the parking area.

The required parking for the restaurant use is 15 spaces and the storage area requires four spaces, for a total parking requirement of 19 spaces. The building has non-conforming rights to four parking stalls and the applicant is therefore required to provide 15 stalls. This number may be further reduced by one space for each use by providing a minimum of four bicycle parking spaces per use, resulting in a potential requirement of 13 stalls. The applicant is proposing 19 parking stalls with the addition of the accessory parking lot at 3025 5<sup>th</sup> Avenue S.

The applicant has proposed the accessory parking lot to provide parking for the customers of the new 5,236 square foot restaurant. The parking lot requires several land use applications. The proposed accessory parking lot is located in the R2B Two-Family District and the use is prohibited. Therefore, the applicant has applied to rezone the parcel to add the TP Transitional Parking Overlay District. In addition, accessory parking lots are conditional uses in the TP Overlay District and a conditional use permit is required. The applicant is intending to allow for five compact spaces and five standard sized parking spaces in the accessory parking lot; all of which are located in the required side yard on the south side of the property. A variance has been applied for accordingly. The landscaping and screening standards of Chapter 530 require a landscaped yard of at least seven feet where parking and loading abuts a residence or office residence district. The property to the south is zoned R2B and no landscaped yard is provided for a large portion of the south property line. The applicant has requested a variance from this provision. The maximum amount of impervious surface allowed in the R2B District is 65 percent. The site plan shows 1,176 square feet of landscaping on a 4,760 square foot lot; equivalent to 75.2 percent impervious surface. A variance has been requested for this provision as well. Finally, there is a standard in the TP overlay district that requires that the entrances and exits to the parking lot be located at least 20 feet from any adjacent property located in a residence or office residence district. The adjacent property to the south is also zoned R2B Two-Family District and contains a single family

home. The curb cut is proposed 18 feet from this property line. The applicant has recently revised the site plan to locate the parking on the south side of the parking lot. This design requires an additional variance to allow open parking spaces within six feet of a dwelling.

Staff received a copy of an e-mail dated March 26, 2010 from the CANDO Neighborhood Development Organization, expressing support for the project.

**REZONING:** Petition to rezone the property of 3025 5<sup>th</sup> Avenue S 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 site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The Urban Neighborhood designation refers to predominantly residential areas with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. It may include undesignated nodes and other small-scale uses, including neighborhood-serving commercial, institutional and semi-public uses scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. It is not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density. Applicable policies of the Comprehensive Plan are as follows:

**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.

**Policy 1.7: Limit new and expanded auto-oriented uses in the city so impacts on the form and character of commercial areas and neighborhoods can be minimized.**

**Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

1.8.2 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

Planning staff finds the request to place the Transitional Parking (TP) Overlay District on the subject is not consistent with the Comprehensive Plan. The site is designated as urban neighborhood, a land use category not intended to accommodate new or expanded commercial

uses. Rezoning to permit the proposed parking lot would allow the commercial uses in the area to encroach further into the residential neighborhood.

While the TP overlay district is sometimes appropriate in an Urban Neighborhood setting, the width of this particular lot would result in the parking lot likely having a detrimental impact on the neighborhood character and the use would not enhance the area. The width of the lot at 40 feet also does not allow for an appropriate transition between the residential area and adjacent commercial uses.

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

The TP Overlay is requested to provide a parking lot serving a 5,236 square foot restaurant proposed in the existing building at 3021 5<sup>th</sup> Avenue S. The building also contains a wholesale, warehousing, distribution use on the second floor. The parking lot is not intended to serve any other uses and is solely for the interest of the property owner. Even if the parking lot were to serve other uses in the area, a parking lot in this location and on a lot of this size is not in the public interest.

**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 subject site currently serves as the break between the C2 zoning that extends to Lake Street and the residential neighborhood to the south, which is predominantly zoned R2B. The parking lot requires a number of variances in order for it to be placed in very close proximity to a single family residential home to the south. Residential uses are also located east of the site, across the alley. While there are commercial uses to the north and west, the proposed zoning would result in commercial uses encroaching further into a residential setting. Furthermore, the narrow width of the lot emphasizes the incompatibility of the proposed use and the neighboring residential properties. In that regard, the proposed zoning would not 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 and a few nonresidential uses, including a preschool, early childhood learning center, child care center and a developmental achievement center on a lot of this size. The property is currently vacant and most recently was illegally used to provide accessory parking for the previous tenant at 3021 5<sup>th</sup> Avenue S. With the uses permitted in the R2B District, reasonable use of the property is allowed.

- 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. The site has been zoned R2B since at least 1978. The trend of development in the area has not changed substantially.

**CONDITIONAL USE PERMIT:** to allow an accessory 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.**

The applicant is proposing a surface parking lot with ten spaces on a lot that is directly adjacent to a residential use. The five standard spaces on the east side of the property directly abut the common property line with the adjacent residential use. Permitting the proposed parking lot would allow the commercial uses in the area to encroach further into the residential neighborhood. There is limited screening or buffering proposed, with shrubs for the first 18 feet of the south property line and only a 4-foot wood fence for the remainder of the property line. The amount of space for landscaping and screening is inadequate, due to the size of the lot and the minimum required dimensions for parking spaces and aisles. Due to these factors, there are no viable solutions to mitigate the impact of the use with additional landscaping and/or screening. Therefore, the use would likely have a detrimental impact on the adjacent residential properties.

- 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 proposed parking lot is nearly entirely paved from the north lot line to the south lot line, directly abutting a residential property. The use is expected to generate traffic and there is little screening provided to buffer the impact of the parking lot from the residential use. It is expected that the parking lot would be injurious to the use and enjoyment of residential properties in the surrounding area.

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

The site is served by existing infrastructure. The establishment of a parking lot will also require Preliminary Development Review by Public Works.

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

The proposed parking lot would contain ten parking spaces and vehicles would enter and exit from 5<sup>th</sup> Avenue S. It is not expected that the parking lot would significantly increase congestion in the adjacent streets.

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

As stated above, the site is designated as Urban Neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The Urban Neighborhood designation refers to predominantly residential areas with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. Applicable policies of the Comprehensive Plan are as follows:

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

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

**Policy 1.7: Limit new and expanded auto-oriented uses in the city so impacts on the form and character of commercial areas and neighborhoods can be minimized.**

**Policy 1.8: Preserve the stability and diversity of the city's neighborhoods while allowing for increased density in order to attract and retain long-term residents and businesses.**

1.8.3 Advance land use regulations that retain and strengthen neighborhood character, including direction for neighborhood serving commercial uses, open space and parks, and campus and institutional uses.

Planning staff finds that establishing an accessory parking lot in this location would not be consistent with the Comprehensive Plan. The site is designated as urban neighborhood, a land use category not intended to accommodate new or expanded commercial uses. Rezoning to permit the proposed parking lot would allow the commercial uses in the area to encroach further into the residential neighborhood. While the TP overlay district is sometimes appropriate in an Urban Neighborhood setting, the width of this particular lot would result in the parking lot likely having a detrimental impact on the neighborhood character.

The width of the lot at 40 feet also does not allow for an appropriate transition between the residential area and adjacent commercial uses. The size of the lot and the minimum dimensions required for drive aisles and parking spaces greatly reduces the amount of space available for

landscaping and screening. Therefore, these elements are not available to mitigate the impact of the parking lot on the neighboring residential uses and parking in this location would likely have a detrimental impact on the neighboring uses. This type of use would not enhance or strengthen the neighborhood character.

**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 proposed parking lot would conform to other applicable regulations in the R2B and Transitional Parking Overlay districts if the Commission were to grant the five variances required to accommodate the proposal. The applicant has stated that the proposed parking lot will be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., in compliance with the standards of the Transitional Parking Overlay District.

**VARIANCE:** to reduce the south side yard setback from 5 feet to 0 feet.

**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 required side yard setback in the R2B District is 5 feet. The applicant is proposing to place the parking stalls directly adjacent to the south lot line. It is possible to put the property to reasonable use while complying with this setback requirement. The R2B district allows residential uses of low density and a few nonresidential uses, including a preschool, early childhood learning center, child care center and a developmental achievement center. As stated above, staff is concerned with the lack of space available for landscaping or screening to mitigate the impact of the parking lot use on neighboring residential properties. A surface parking lot on a lot of this size is not a reasonable use in the R2B District.

**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 circumstances in this case are created by the applicant and not unique. The subject site, while narrow, is a common size for a residential lot. The lot is currently vacant and the design proposed by the applicant requires variances. The applicant is providing more parking than what is required by the zoning code and staff does not believe that parking for a commercial use is appropriate in this location.

**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.**

Staff believes the granting of the variance would not be in keeping with the intent of the ordinance. 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. The proposed design would place accessory parking directly up to the south property line and less than six feet from a residential structure. The proposed design provides little buffer or green space. This design also creates a significant amount of impervious surface within the context of a residentially zoned property. The applicant has proposed pervious pavers for a portion of the parking area. However, this type of material is still considered to be impervious for purposes of the zoning ordinance. Complying with the yard requirement would increase the amount of landscaped area, which is more characteristic of a residential neighborhood.

- 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 requested variance would allow a parking lot with ten parking spaces and vehicles would access from 5<sup>th</sup> Avenue S. It is not expected that the parking lot would significantly increase congestion in the adjacent street or endanger the public safety.

**VARIANCE:** to increase the maximum amount of impervious surface allowed in the R2B district from 65 percent to 75.2 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.**

The maximum amount of impervious surface allowed in the R2B district is 65 percent of the lot area. The site plan shows 1,182 square feet of landscaping on a 4,760 square foot lot; equivalent to 75.2 percent impervious surface. In other words, approximately 484 square feet of additional pervious surface would need to be provided to comply with the district requirement. The site does show pervious pavers along the south property line. However, past practice has been to not count these systems as impervious surface because they often do not allow water to fully drain through. The applicant is providing 19 parking stalls and only 15 are required for the uses in the building at 3021 5<sup>th</sup> Avenue S. Four of the proposed parking stalls could be converted to green space to meet the impervious surface requirement. Staff is also concerned with the amount of impervious surface directly adjacent to a residential lot. The property can be put to reasonable use without this variance and requiring more pervious surface on the site 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.**

Again, the circumstances in this case are created by the applicant. The lot is currently vacant and the design proposed by the applicant requires a variance to the impervious surface requirement. The applicant is providing more parking than what is required by the zoning code and staff does not believe that parking for a commercial use is appropriate in this location or on a lot of this size.

- 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. Allowing a parking lot that equates to 75.2 percent impervious surface on the property would not be characteristic of the residential neighborhood and would likely have a negative 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.**

As stated above, granting the proposed parking lot is not expected to significantly contribute to congestion in the public streets or endanger the public safety.

**VARIANCE:** of the TP overlay district standard requiring that the parking lot entrance not be located within 20 feet from any adjacent property located in a residence or office residence district.

**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 applicant is proposing to place the driveway to the parking lot 18 feet from the south property line, as opposed to the 20 feet required in the Transitional Parking overlay district. The site can be put to reasonable use by providing a use other than a parking lot on the residentially zoned property. A use other than a parking lot would not require a variance to this provision, as it is specific to the Transitional Parking overlay district. Staff is also recommending denial of the rezoning to place the Transitional Parking overlay district on this property. If the Planning Commission were to approve the rezoning request, the requested variance of two feet may be considered 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 lot with the proposed accessory parking lot is 40 feet in width. The TP Overlay requires that the entrance of the parking lot be located at least 20 feet from the adjacent property zoned residence or office residence. The narrow width of the lot prohibits the applicant from providing a standard size two-way drive aisle while still complying with this provision. However, as previously stated, this lot size is common for residential lots in the City and is not unique. In any event, staff does not believe that parking is appropriate in this location.

- 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 overall parking lot design would significantly impact the adjacent residential property, due to the size of the lot. The proposed driveway is 18 feet from the adjacent residential property. If the Planning Commission were to approve the rezoning request, the requested variance of two feet may be considered reasonable. However, designing the parking lot in this manner places the parking spaces directly adjacent to the residential use, emphasizing the negative impact.

- 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.**

As stated above, granting of the applications to allow an accessory parking lot in this location would likely increase the number of vehicles in the residential area surrounding the site, contributing to congestion.

**VARIANCE:** to reduce the required 7-foot landscaped yard between the parking lot and the adjacent residential lot to the south to zero feet.

**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.**

A landscaped yard seven feet in width and screening at least 95 percent opaque is required along the south property line, where the subject site abuts a residential parcel. A limited amount of landscaping is provided for the first 57 feet of the south property line, with the narrowest portion approximately three feet in width. Between the five standard size spaces on the east side of the property and the south property line, no landscaped yard is provided. A fence four feet in height is proposed in this location. A use other than a parking lot would not require a variance to this provision, as it applies to parking lots only. As stated above, staff is concerned with the lack of space available for landscaping or screening to mitigate the impact of the parking lot use on

neighboring residential properties. A surface parking lot on a lot of this size is not a reasonable use in the R2B District. Staff is also recommending denial of the rezoning to place the Transitional Parking overlay district on this property.

- 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 lot with the proposed accessory parking lot is 40 feet in width with R2B base zoning. These circumstances are not unique to the parcel. The site is currently vacant and the proposed design necessitates a variance. This situation has been created by the applicant. The size of the site limits the space available for the amount of landscaping or screening necessary to mitigate the impact of the parking lot use on neighboring residential properties. A surface parking lot on a lot of this size is not a reasonable use in the R2B District.

- 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 seven foot landscaped yard is required because the parking lot directly abuts a residential district. The purpose of the site plan review standards is to promote development that is compatible with nearby properties, neighborhood character, natural features and plans adopted by the City Council, to minimize pedestrian and vehicular conflict, to reinforce public spaces, to promote public safety and to visually enhance development. The lack of landscaping along the south property line amplifies the negative impact of the parking lot on nearby properties. The proposed design is not in keeping with the spirit and intent of Chapter 530, Site Plan Review.

- 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.**

As stated above, it is expected that allowing a parking lot in this location would contribute to additional traffic in the area. However, it is not expected that the parking lot will significantly increase congestion in the adjacent street or endanger the public safety.

**VARIANCE:** to allow open parking less than 6 feet from a residential structure.

**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.**

Section 537.80 requires all detached accessory buildings and open parking spaces to be a minimum of six feet from a dwelling of any time. The applicant is proposing five standard size

spaces within three feet of the residential structure to the south, and five compact spaces four feet from this structure. In this case, the variance required is specific to the proposed open parking spaces. Staff is concerned with the lack of space available for landscaping or screening to mitigate the impact of the parking lot use on neighboring residential properties, and the actual location of the parking stalls on the south side of the property. A surface parking lot on a lot of this size is not a reasonable use in the R2B District.

- 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 lot with the proposed accessory parking lot is 40 feet in width with R2B base zoning. These circumstances are not unique to the parcel. The site is currently vacant and the proposed design necessitates a variance. It is possible to design a parking lot with parking spaces that are not within 6 feet of a residential structure. This situation has been created by the applicant. Furthermore, staff does not believe that parking is appropriate in this location or on a lot of this width.

- 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 Chapter 537 is to provide for the orderly development and use of land and to minimize conflicts among land uses by governing the size, type, location and operational characteristics of accessory uses and structures. Granting of the variance to allow parking within 3 feet of a dwelling would magnify the conflict between the proposed parking lot and the adjacent residential use. Allowing parking in this location, on a lot of this width, may also alter the essential character of this residential neighborhood.

- 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.**

As stated above, it is expected that allowing a parking lot in this location would contribute to additional traffic in the area. However, it is not expected that the parking lot will significantly increase congestion in the adjacent street or endanger the public safety.

### **RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the petition to rezone the property of 3025 5<sup>th</sup> Avenue S South to add the TP Transitional Parking Overlay District to allow for an accessory parking lot.

**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 **deny** the application for a conditional use permit to allow a parking lot for the property located at 3025 5th Avenue South in the R2B Two-Family District.

**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 north side yard setback from 5 feet to 0 feet to allow a parking lot for the property located at 3025 5th Avenue South.

**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 75.2 percent for the property located at 3025 5th Avenue South.

**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 of the Transitional Parking Overlay District standards requiring that the entrances and exits are located at least twenty (20) feet from any adjacent property located in a residence or office residence district to allow for a parking lot located at 3025 5th Avenue South.

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

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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 required landscaped yard from 7 feet to 0 feet for the property located at 3025 5<sup>th</sup> Avenue South.

**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 **deny** the application for a variance to allow open parking less than 6 feet from a residential structure, for the property located at 3025 5<sup>th</sup> Avenue South.

**Attachments:**

1. Statement of use and findings
2. Correspondence
3. Zoning map
4. Site plan, floor plans and elevations
5. Photos of the site and surrounding area