

**Department of Community Planning and Economic Development—Planning Division  
Front Yard Variance and Site Plan Review  
BZZ-2254**

**Hearing Date:** 4/11/05

**Date Application Deemed Complete:** 3/16/05

**End of 60-Day Decision Period:** 5/15/05

**Applicant:** Fellowship Missionary Baptist Church, 3355 4<sup>th</sup> St. N., Mpls., MN 55412

**Address of Property:** 3349 4<sup>th</sup> St. N.

**Contact Person and Phone:** James A. Wilson, SGN Architects, 111 Washington Ave. N.,  
Minneapolis, MN 55401-1619 (voice: 612-332-1401, fax: 612-332-1405, Email:  
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**Ward:** 3      **Neighborhood Organization:** McKinley Neighborhood Assoc.

**Existing Zoning:** R2B, Two-family District

**Zoning Plate number:** 8

**Proposed Use:** Application by Fellowship Missionary Baptist Church for a site plan review application and a front yard variance to construct a 20,000 sq. ft. addition to the existing church located at 3355 4<sup>th</sup> St. N. The addition will allow the church and the Center for Families Program of the Greater Minneapolis Council of Churches to host a wide variety of community-based social service, health, community outreach, and educational programs that are oriented to immigrant families.

**Prior approvals:** City Planning Commission approved on 11/5/01 a conditional use permit and site plan review application (BZZ-335) for the new church.

**Concurrent Review:** Front yard variance and site plan review

**Applicable zoning code provisions:**

- **Variance:** To reduce the established front yard setback (after demolition) along 4<sup>th</sup> St. N. from 26.7 ft. to 20 ft. to allow parking, the existing church building, and concrete sidewalk per Table 546-8.
- **Site plan review:** Per Chapter 530 of the Zoning Code.

If you need more information or have special needs, please call the Minneapolis Planning Department at 612-673-2597.

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**Background:**

**Three phases of development:** The proposed project is the second in a three-phase project to build and expand the church. The first phase, completed in 2001, was to construct the new church with a 300-seat auditorium/sanctuary, offices, choir room, classrooms, and other accessory spaces, and on-site parking for 86 vehicles including four handicap-accessible and two van-accessible stalls. Seven houses on nine lots were demolished to create the site, including one lot owned by the MCDA.

The subject application, described below, is the second phase of the project. The applicant expects to expand the church at some time in the future to the north. This phase three development will include a new sanctuary in an expansion of the church into the parking lot on the north side of the site.

**Phase Two project:** The applicant submitted the following description: “The Center for Families Addition consists of 18,692 square feet on 3 levels, and will include office spaces on the upper level and classroom/meeting spaces used for Sunday School, and intermittent adult education classes on the main and lower levels. The parking will be expanded to the south from 87 cars to 121 cars total. The uses of the added space are non-concurrent with the peak use of the existing facility. . . . The exterior materials and character will match the existing building.” The Code states that “additions that total twenty thousand (20,000) square feet or more in any three (3) year period shall be subject to major site plan review.”) The subject addition is the second within three years.

The new facility will allow the church and the Center for Families to host a wide variety of community-based social service, health, community outreach, and educational programs that are oriented to immigrant families.

The expansion project will displace existing on-site parking for the church. In order to provide sufficient parking to accommodate the expansion, the church intends to purchase and demolish three homes to the south of the site (Attachments 1-3). During the prior expansion of the church, the church representatives attempted but were unable to find a market to move several houses from the site to new lots, according to the church representatives. They do not expect to be able to move any of the three houses proposed for demolition.

The site is within a low-density residential area zoned R2B and R1A. The new Cityview School is located across 4<sup>th</sup> St. N. directly opposite the site and I-94 is one block to the east.

The staff of the Minneapolis Heritage Preservation Commission (HPC) evaluated the project for potential impacts on the historic resources of the City, including the demolition of the three houses. The HPC will review the demolition permits for the houses.

**Neighborhood review:** Information from the applicant indicates they have met with the affected neighborhood group, the McKinley Neighborhood Assoc.; however, staff have received no response from the group to date.

## FINDINGS

### A. FRONT YARD VARIANCE

#### Findings as Required By the Minneapolis Zoning Code for the Front Yard Variance

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

The applicant's statement follows: "The existing building and parking is set back approximately 20 feet from the property line on Fourth Street in compliance with the ordinance, because the adjacent house currently located at 3315 Fourth Street also has a 20-foot setback. The houses at 3307-3315 Fourth Street are being removed as part of the proposed project. The only remaining house on the block at 3303 Fourth Street is setback 26.7 feet from the property line; therefore the existing building and parking become noncompliant on removal of the other houses.

"Removal of the existing houses is necessary to construct the proposed addition and provide adequate parking; therefore strict adherence to the regulations of this zoning ordinance would cause undue hardship."

The proposed expansion conforms to this new front yard requirement. The existing church is 330 ft. from the residence. Rather than allow the church to become a nonconforming use as to setback, the applicant wished to rectify the situation through a variance.

- 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.**

Planning staff concur with the applicant's statement which follows: "The proposed project is an addition to the existing Fellowship Missionary Baptist Church, which has an existing setback of 20 feet. The proposed addition does not encroach into the 26.7-foot setback; however the existing building and parking become noncompliant by the removal of the 3 adjacent houses. The district zoning front yard setback is the established setback, or 20 feet.

"The setback for the proposed project is 26.7 feet only due to the setback of the existing adjacent house; therefore the circumstances are unique to the parcel of land for which the variance is sought."

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- 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.**

Planning staff concur with the applicant's statement which follows: "The district zoning front yard setback is the established setback, or 20 feet. The existing building and parking is set back approximately 20 feet from the property line on Fourth Street in compliance with the ordinance, because the adjacent house currently located at 3315 Fourth Street also has a 20-foot setback. The houses at 3307-3315 Fourth Street are being removed as part of the proposed project. The only remaining house on the block at 3303 Fourth Street is setback 26.7 feet from the property line; therefore the proposed building becomes noncompliant on removal of the other houses.

"The existing building and parking with a 20 foot setback are in compliance, and we are not proposing to reduce the setback to less than 20 feet; therefore 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."

- 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.**

Planning staff concur with the applicant's statement which follows: "The proposed addition does not increase the peak parking or traffic demand for the facility, which is determined by the existing Sanctuary capacity. The removal of the 3 houses adjacent to the existing facility helps limit any conflicting use of the church and residential properties. Therefore 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 Preliminary Plan Review Committee reviewed the project on 3/23/05 and found no irresolvable problems as regards utility service, access and driveways, fire and safety.

**B. SITE PLAN REVIEW**

**Findings as Required By the Minneapolis Zoning Code:**

- 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 (refer to the above discussions).
- c. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

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

**Building Placement and Facade:**

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
  - Residential uses shall be subject to section 530.110 (b) (1).
  - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

**Planning Division Evaluation of Building Placement and Façade Requirements:**

- While the existing church was built up to the setback requirement of 20 ft., the proposed expansion will be 48 from the property line. This is to provide space in front for a patio area.
- Although the attached landscape plan does not currently meet the requirements of the Zoning Code, the applicant has committed to bring it into compliance. When this has been accomplished, there will be adequate landscaping amenities between the building and street.
- The principal entrance faces the south lot line—an existing condition.
- Parking is located to the sides of the structure.
- The façade design includes rock faced CMU (concrete masonry unit) for about the lower 5 feet of the main (east) façade. EIFS, colored to match the existing building, is the other primary façade material. Glass covers more than 30% of the facades on the east and south sides.

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**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 530.140 (b).**
- **Areas for on-site snow storage are provided.**
- **Site plans shall minimize the use of impervious surfaces.**

**Planning Division Evaluation of Access and Circulation:**

- A walkway connects the entrance to the sidewalk on 4<sup>th</sup> St. N.
- Two-way vehicular access is via 4<sup>th</sup> St. N. Public Works will likely disallow the requested second curb cut on the south end of the parking lot.
- Snow will continue to be hauled off the site.
- All areas of the site not used for buildings or parking are landscaped.

**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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for**

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each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.

- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

**Planning Division Evaluation of Landscaping and Screening:**

- Attachment 4 details the landscaping and screening requirements. The landscaped area equals 31% of the net site. As stated above, the applicant will bring the landscape plan into compliance with the Zoning Code as regards the number of trees, bushes and screening.

**Additional Standards:**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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: The Police Division has reviewed the plans.**
- **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.**

**Planning Division Evaluation of the Additional Standards:**

- The existing lighting has full-cutoff fixtures and new lighting will comply with the Code as well.
- The site is surrounded by residential properties. Implementation of the landscaping and screening plan will significantly reduce the possibility that headlights will cause glare on to residential areas.

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- The site is well lit. The Police Department reviewed the plans as regards crime prevention design elements.
- There are no issues regarding blocking of significant views, casting of significant shadows, pedestrian-level winds, nor historic districts.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE:**

**Hours of Operation:** Hours businesses can be open to the public in the C2 District are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. through 11:00 p.m. Friday and Saturday.

Not applicable per 546.60 because this is a religious institution.

**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.

The applicant will continue to store refuse inside.

**Signage:** All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

Table 543-1 allows two wall identification signs (because this is a corner lot) not exceeding 32 sq. ft. and not higher than 16 ft. in this case. The church has one wall sign currently that exceeds the size limitations of the Zoning Code. The second sign proposed for the expansion building wall meets the Code's limitations in size and height from the ground.

**Traffic and parking:** According to the applicant, the peak periods for the use of the church and the other associated functions include Sunday morning for the primary church services, Saturday mornings typically for weddings and funerals, and weekday evenings for gatherings such as weddings, funerals, classes, and choir practices. Attachment 7 provides the applicant's estimate of the parking demand for the new building. None of this new demand will occur during the peak demand periods of the existing church.

The prior approval (BZZ-355) determined the maximum seating area of the multipurpose room at 6,600 sq. ft., estimated the maximum seating capacity at 440 persons, and set the required parking at 132 spaces per Table 541-1 of the Zoning Code. The existing site includes 82 on-site stalls, 62% of the required parking. The Phase Two project will expand the number of stalls to 121 (including 7 handicap stalls), which will equal 92% of the requirement (refer to Attachment 8). The 50-stall variance approved as a part of BZZ-355 would be reduced to 11 stalls with the construction of Phase Two.

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There are a considerable number of stalls available in the immediate area to meet peak parking demand. As the table in Attachment 8 indicates:

- The Cityview School across the street has 110 stalls, most of which are likely to be available during the peak periods of the church. Thirty-one of these stalls are within 500 feet of the church entrance.
- Within 500 feet of the church entrance there is space available for 206 vehicles on the streets. Assuming only one-half of these spaces are available during a peak event at the church, this supply added to the on-site supply would exceed the peak parking demand.

The applicant has yet to finalize the design for Phase Three of the project. Since the main function of this phase is to create a separate sanctuary, it is reasonable to assume the same peak event numbers shown in Attachment 8. The plan is to replace the north parking that would be the site of the sanctuary with additional stalls either to the south (on the site of the remaining house) or to the west on the site of the house on the corner.

**Transit service:** Metro Transit provides regular east-west service along Lowry Ave., Route #32, two blocks to the south; and regular north-south service along Lyndale Ave. N., Route # 22, 1 ½ blocks to the west. Service levels decline on Sundays during the church's peak periods.

**MINNEAPOLIS PLAN:**

The following firsts lists the applicable plans and policies of the City and then evaluates the project in relation to these plans and policies:

**a. The *Minneapolis Plan* (adopted by the City Council, Mayor, and Minneapolis Planning Commission, March 2000):**

The Plan includes the following policies most relevant to the entire project:

**9.8 Minneapolis will maintain and strengthen the character of the city's various residential areas.**

**Implementation Steps**

- Encourage the rehabilitation of older and historic housing stock over demolition.

**9.21 Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.**

**Implementation Steps**

- Limit non residential land uses allowed in low density residential areas to religious institutions, specific public facilities such as schools, libraries and

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parks and other non residential land uses that can be integrated with low density residential uses through proper location, site planning and facilities design.

**b. Other Plans and Policies:**

The City uses several other plans and policies to guide decision making and evaluate proposals including the following:

**(1) “Minneapolis Energy Plan” (approved by the City Council 5/10/96)**

The Minneapolis Energy Plan includes the following policies relevant to the project:

- Increase commercial, industrial and institutional energy efficiency.
- Reduce or avoid environmental costs through pollution prevention (P2) strategies such as product design changes, input materials substitution, process redesign, and improved operation and maintenance practices. Studies show that the average savings per P2 project was \$3.49 for every dollar spent for companies with some type of environmental cost accounting program.

**(3) The "Minneapolis-Saint Paul Urban CO<sub>2</sub> Reduction Plan" (approved by the City Council 12/17/93)**

The plan contains the following policies that are most relevant to this project:

- Encourage land use patterns that reduce reliance on automobiles and foster other modes of travel and make walking and bicycling trips more feasible.
- Encourage local businesses and institutions to participate in the federal Environmental Protection Agency programs “Green Lights” and “Green Buildings.”

**c. Consistency of the Project with City Plans and Policies:**

- Although the project will eliminate existing houses contrary to the City Goals, the houses to be demolished are in poor condition (Condition Rating 4 or 5) and they are not eligible for historic designation. The church will examine the possibility of moving the houses but, based on past experience with the houses removed for the Phase On part of the project, it does not expect moving to be economically feasible. The church is committed to utilizing a deconstruction firm (probably Habitat for Humanity) maximize the reuse and recycling of materials prior to demolition.
- Consistent with the *Minneapolis Plan*, the project will construct a religious institution within a low-density residential area.
- The project will have minimal effects on traffic and parking in the area.
- Although the site is well served by public transportation, attendees to peak events are not expected to rely on public transportation.

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- The applicant will participate in any applicable energy conservation programs offered by the utilities to maximize energy efficiency.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

**Alternative Compliance: The Planning Commission may approve alternatives to any major 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, 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.**

**Planning Division Analysis Regarding Alternative Compliance:**

Provided the applicant makes required revisions to the landscape plan, the proposal does not require Alternative Compliance.

**RECOMMENDATIONS**

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to extend the allowable hours seven days a week to 4 a.m. for the Taco Bell restaurant located at 215 Lake St. E., with the following condition: The applicant shall post signs for drive-through customers instructing them to turn down car speakers consistent with the City's noise ordinance in order to protect the nearby residents from noise.

The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for 215 Lake St. E., with the following conditions:

1. The Community Planning and Economic Development—Planning Division shall review and approve the final site and landscaping plans.
2. The applicant shall improve the site with the following changes:

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- The applicant will add a minimum of 18 bushes in the front yards and will add a 3-ft. decorative fence that will run along the northern property line and down to the first parking stall on the west side.
  - The applicant shall add a 3-ft. decorative fence to partially screen the drive-through lane from the street and sidewalk, and should add at least 3 bushes to the area just north of the curb cut on 3<sup>rd</sup> Ave. An acceptable alternative is to obtain an encroachment permit and to add bushes in the right-of-way back of the sidewalk on 3<sup>rd</sup> Ave. to serve as a screen for the drive-through lane.
  - The applicant shall construct a 6-ft. fence that is 95% opaque along the southern property line.
  - The applicant shall redirect all lighting fixtures that might cause glare to leave the site or replace the fixtures as required by section 535.590 of the zoning code.
  - The applicant will enclose all dumpsters in a fully screened enclosure as required by section 535.80 of the zoning code.
3. The applicant shall police on a daily basis all litter on the property out to the street and ensure litter does not leave the site as required by section 536.20 of the zoning code.
  4. If the site improvements exceed \$2,000 in value, the applicant shall submit a performance bond for these improvements prior to the issuance of building permits.
  5. The site improvements shall be completed by March 31, 2006, or the application may be revoked for noncompliance, unless extended by the Zoning Administrator or the City Council.

**B. Findings as Required By the Minneapolis Zoning Code for the Variance Application for Parking that is Less than the Minimum Required**

The Zoning Office calculated the seating area of the multipurpose room at 6,600 sq. ft., maximum capacity at 440 people, and set the required parking at 132 spaces. The plan includes 86 on-site stalls. The variance authority is at 525.520 (7): “To reduce the off-street parking requirements up to 100%, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use.”

1. **Because of the particular physical surroundings, shape, configuration, or topographical conditions of the specific parcel of land involved, strict adherence to the regulations of this zoning ordinance would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

The following is from the applicant (refer to Attachment 6 for the entire variance application submission from the applicant): “Fellowship Missionary Baptist Church currently uses leased space at 3751 Sheridan Ave. N. which they are outgrowing. The church has been seeking a suitable site to build a new facility for approximately three years. Because many members reside in the McKinley neighborhood, they focused on

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this area, and in 2000 obtained the nine parcels making up the site. Additional adjacent parcels are not currently available.

“The Church wants to build a new facility to accommodate its current membership, so reducing the seating capacity is not feasible. The current site plan provides the maximum number of on-grade parking stalls that fit on the remaining site, and a multi-level parking structure is not compatible with the surrounding residential neighborhood. We therefore feel that it would be a hardship to provide the required 132 parking stalls.”

**2. The conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.**

The variance, if approved, would apply to the allowable parking for a church located across from a school that has a large amount of parking available during peak church events. Although the situation is not unique, it is not a common one.

The applicant states: “The north half of the site slopes steeply to the south. We have attempted to maximize the use of the site through building placement, contouring, retaining walls and landscaping. However, because the site is only one-half block deep, portions are not usable for parking. We feel that this is unique to the site.”

**3. The alleged difficulty or hardship is caused by the zoning ordinance and has not been created by any persons presently having an interest in the parcel of land.**

The applicant states that “Several church members reside in the neighborhood, allowing them to walk to church, and the church is readily accessible by bus. Because Cityview Community School occupies the block directly east there is ample on-street parking which does not conflict with the adjacent residential use. We therefore feel that the ratio used to determine the required parking in this case is excessive, and is the cause of the hardship.”

**4. The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.**

As described in detail in the findings for the Conditional Use Permit and Attachment 8, there are a considerable number of stalls available in the immediate area to serve the church’s peak parking demand. If the 31 stalls on the Cityview School site across the street that are within 500 feet of the church entrance are counted, the number would exceed the Planning Department’s estimate of peak demand. If only half of the available on-street stalls within 500 feet of the church entrance were added to the on-site supply, the number would exceed both of the peak parking demand estimates from the Planning Department and the Zoning Office.

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As stated above, Metro Transit provides regular east-west service along Lowry Ave., Route #32, two blocks to the south; and regular north-south service along Lyndale Ave. N., Route # 22, 1 ½ blocks to the west. Service levels decline on Sundays during the church's peak periods. The Planning Department does not expect attendees to peak events at the church to rely heavily on public transit.

The applicant states that “The nature of the church schedule is that the church reaches full occupancy at most twice per week, which do not coincide with the high use times of the nearby school, which uses Fourth St. N. for bus loading. The driveways to the church parking have been arranged to distribute cars evenly to Fourth St. N. and 34<sup>th</sup> Ave. N. We therefore feel that this proposal does not increase congestion, or is in any way detrimental to public welfare or safety.”

Considering the above, the Planning Department does not expect the events at the church that would generate peak parking demand will create parking problems for the neighborhood. When phase two of the project is built, the church will have a sufficient on-site supply to satisfy both the legal parking requirement and the most likely estimate of parking demand.

- 5. 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.**

Refer to the prior finding.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

- A. Conditional Use Permit:** The City Planning Department recommends that the City Planning Commission **approve** the Conditional Use Permit application for the Fellowship Missionary Baptist Church at 3349 4<sup>th</sup> St. N. subject to the following conditions:
1. Approval by the Planning Department of the final construction drawings, the elevations, the lighting plan, and the landscape plan.
  2. The site improvements shall be completed by April 11, 2006, or the permit may be revoked for noncompliance.
- B. Variance:** The City Planning Department recommends that the City Planning Commission **approve** the variance application for the Fellowship Missionary Baptist Church at 3349 4<sup>th</sup> St. N.

**Department of Community Planning and Economic Development—Planning Division**  
**Front Yard Variance and Site Plan Review**  
**BZZ-2254**

**Attachments:**

1. Zoning and lot lines in the immediate area
2. Aerial photo
3. Site plan, floor plan, elevations, and landscaping plan
4. Landscaping requirements
5. Letter from Amy Lucas
6. Information from the applicant
7. Space usage estimate
8. Parking demand and supply
9. Photos