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Subject: 3343 E Bde Maka Ska Pkwy expansion
Date: March 10, 2020 at 11:04 AM
To: gflannery@flanneryconstruction.com, rick@chowastudio.com

Hello Gerry and Rick,

Following up on our conversation at the Public Service Center yesterday regarding the proposed expansion of the Minnesota Zen Meditation Center at 3343 East Bde Maka Ska Parkway. See comments below.

Minimum parking requirement

[Section 541.40](#) of the Zoning Code states that “when the intensity of any use is increased through the addition of [...] gross floor area, capacity or any other unit of measurement used for determining parking and loading requirements, parking and loading facilities shall be provided for such intensification as specified in Table 141-1 [...] as determined by the zoning administrator.”

Your materials include code analysis conducted by the Architect noting an existing occupancy load of 115 people for the contiguous assembly spaces. Note that for the purposes of calculating required parking, decimals of 0.5 or greater are rounded up, so the standard minimum off-street parking requirement based on this analysis is 12 spaces (rounded up from 11.5). Per Section 541.220, the minimum off-street parking requirement may be decreased by 10% or 1 space, whichever is greater, if you provide bike parking equivalent to 25% of the minimum vehicle parking requirement. In this case, I see that there are several bike parking spaces located outside the subject property near the Parkway which should qualify for a 1-space reduction of the current minimum off-street parking requirement to 11 spaces.

Your proposed occupancy load post-expansion is 134 people for a minimum off-street parking requirement, including the bicycle reduction, of 12 spaces for an increase of 1 space.

Nonconforming parking

Based on the survey you provided, I count 9 existing off-street parking spaces – 6 parallel spaces adjacent the public alley in the rear, 2 outdoor spaces in the front parking area, and 1 in the attached garage accessed from the front parking area. I have confirmed with the Zoning Administrator that, even though the 6 spaces in the rear are currently nonconforming to size, location, and paving requirements of the zoning code, they may continue to be used to satisfy part of the minimum off-street parking requirements as long as they are paved as required by [Section 541.300](#), even though they would remain nonconforming to minimum stall length and setbacks.

Your proposal expansion would include removal of the existing space in the garage, resulting in a net deficit of 2 off-street parking spaces. In order to approve this as proposed, you would need to apply for and receive approval for a variance by the Zoning Board of Adjustment. Otherwise, you would need to alter the proposal so that there is no change in the effective minimum off-street parking requirement – for example, someone had mentioned removing the door between the Zendo and the Buddha Hall to reduce the square footage of the assembly space which, in turn, would reduce the minimum off-street parking requirement. Another alternative could be

reducing the size of the proposed Zendo expansion, though I understand that may not be practical under these circumstances. Please let me know how you would like to proceed in this regard.

Other potential issues

There are a few other issues that I have not been able to identify until now, the first of which is regarding your front setback requirement. The standard front setback requirement in the R1A district is 20 feet ([Section 546.280](#)) but this requirement may be increased as described in [Section 546.160\(b\)](#):

The required front yard shall be increased where the established front yard of the closed principal building originally designed for residential purposes located on the same block face on either side of the property exceeds the front yard requirement by the zoning district. In such case, the required front yard shall be not less than such established front yard, provided that where there are principal buildings originally designed for residential purposes on both sides of the property, the required front yard shall be not less than that established by a line joining those parts of both buildings nearest to the front lot line, not including any obstructions allowed by Table 535-1 Permitted Obstructions in Required Yards. [...]

In this case, because the adjacent property to the north appears to be set back farther than 20 feet from the front lot line, the minimum front setback requirement for the subject property is the line drawn between the parts of the adjacent buildings nearest the front lot lines. The existing Meditation Center building is almost certainly nonconforming to this requirement and is allowed to remain as such, but any expansion of the structure within the minimum front setback area would require a variance. Let me know if you would like to discuss the variance process further.

The second potential issue is regarding this property's location in the SH Shoreland Overlay District. Per [Section 551.470](#), any development in this Overlay District on steep slopes or within 40 feet of the top of a steep slope or bluff or within 50 feet of the ordinary high water mark of any protected water requires a variance. Section 551.460 defines the following:

Steep slope. Land having an average slope of eighteen (18) percent or greater measured over a horizontal distance of fifty (50) feet or more. Steep slopes that are less than ten (10) feet in height shall not be considered a steep slope.

Development. The erection, construction, reconstruction, relocation or enlargement of any structure except walkways, stairways, retaining walls, light poles, piers, docks and similar structures where accessory to a public park, unenclosed structures up to four hundred (400) square feet and not more than twenty (20) feet wide used for the storage of watercraft where accessory to a public park and if located at least ten (10) feet from the ordinary high water mark of any protected water, and stairways and seasonal docks not exceeding four (4) feet in width where accessory to any other use.

The survey provided does not appear to be printed precisely to scale but it's possible that there is a steep slope near the southwest corner of the property extending into the public right-of-way. Note that if any aspects of your proposed project including the

public right-of-way. Note that if any aspects of your proposed project including the Zendo expansion or new entrance to the rear are on a steep slope or within 40 feet of the top of a steep slope, a separate variance is required from this provision of the SH Shoreland Overlay District.

Finally, your proposed site plan notes “Space for Future Addition” east of the existing front parking area. If any details are known at this time regarding this future addition, feel free to send them over and I can take a look to identify any potential zoning issues. If that future addition is not being considered for moving forward as part of the Zendo expansion, you’ll need to remove any notation referring to the future addition on your plans. Ultimately you’ll also need to expand your proposed site plan to show the rear parking area, etc. If you pursue a variance for any aspect of this project, existing and proposed surveys will be required as part of that application.

Thanks and let me know if you have any questions,

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