

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances & Site Plan Review
BZZ – 4261

Date: December 8, 2008

Applicant: Minneapolis Park and Recreation Board

Address of Property: 2307 17th Avenue South

Project Name: East Phillips Park Cultural & Community Center

Contact Person and Phone: Sara Phillips, (612) 752-6965

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: November 12, 2008

End of 60-Day Decision Period: January 11, 2008

Ward: 9 **Neighborhood Organization:** East Phillips Improvement Coalition (adjacent to Ventura Village)

Existing Zoning: R2B Two-Family Residence District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 21

Legal Description: Not applicable for this application

Proposed Use: Public park cultural and community center.

Concurrent Review:

Conditional use permit to increase the height of the building from 2.5 stories to 3 stories and from 35 feet to 39 feet.

Variance to reduce the required front yard along 17th Ave from 20 feet to 7 feet to allow the building, a surface parking area, and walkways wider than 8 feet.

Variance to reduce the minimum parking requirement.

Variance to allow parking between a principal structure and the front lot line (17th Ave) in a residential district.

Site plan review.

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Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”, Section 525.520(6) “to reduce the applicable off-street parking...requirements up to twenty (20) percent of the applicable regulations...”, and Section 525.520(8) “to permit parking that cannot comply with the location requirements for on-site parking, as specified in Chapter 537, Accessory Uses and Structures, and Chapter 541, Off-Street Parking and Loading.”; and Chapter 530, Site Plan Review.

Background: The applicant proposes to construct a new building with two levels to establish a community center in a public park. The site occupies the block bound by 22nd Street East, Hiawatha Avenue, Cedar Avenue, 24th Street East and 17th Avenue South. The building would be located on the west side of the park. A small building with restrooms would be demolished to allow construction of the new building. A surface parking area would also be constructed as part of this project.

Nonresidential building height in the R2B district is limited to 2.5 stories or 35 feet, whichever is less. The tallest height of the building would be 35 feet. Although the building would have only 2 floors, by definition of the zoning code it is 3 stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. Part of the height of the second floor would be greater than 14 feet, therefore it is considered two stories. A conditional use permit is required to increase the height. If the conditional use permit is approved, the actions must be recorded with Hennepin County as required by state law.

A 20 foot wide front yard adjacent to 17th Avenue South is required. The building and parking area would be set back 7 feet from the front lot line. Walkways are permitted obstructions as long as they do not exceed 8 feet in width. An approximately 10 foot wide walkway is proposed. A variance to reduce the yard requirement to allow the building, parking and walkway is required.

The parking requirement for a park is based on the sum of the parking requirements of the specific components that comprise the use. The specific components requiring parking include an indoor basketball/volleyball court, a game room, and places to assemble. Notwithstanding these requirements, the maximum amount of parking required by the zoning code for a neighborhood park is 20 spaces. The combined requirements exceed 20 spaces, therefore the minimum parking requirement is 20 spaces. The applicant is proposing to provide 16 vehicle parking spaces. Six bicycle parking spaces are also provided. These bicycle spaces are allowed to be provided in lieu of one vehicle parking space. A variance is required to reduce the parking requirement by 3 spaces.

In residence districts, off-street parking areas are not allowed to be located between the principal building and the front lot line. The applicant is proposing to locate the surface parking area between the building and the front lot line adjacent to 17th Avenue. A variance is required.

A site plan review is required for any new nonresidential building.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to increase the maximum height of a principal structure from 2.5-stories to 3-stories and from 35 feet to 39 feet.

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.**

Construction of a 3-story, 39 foot tall building on the site should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes, life safety ordinances, site plan review requirements as well as Public Works Department standards.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The park is the only use occupying the block. The surrounding uses on adjacent blocks include multiple family residences and a place of assembly. The buildings in the immediate area are two to 12 stories in height. The proposed height should have little impact on surrounding properties.

- 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 Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The parking requirement for a park is based on the sum of the parking requirements of the specific components that comprise the use. The specific components requiring parking include an indoor basketball/volleyball court, a game room, and places to assemble. Notwithstanding these requirements, the maximum amount of parking required by the zoning code for a neighborhood park is 20 spaces. The combined requirements for individual components exceed 20 spaces, therefore the minimum parking requirement is 20 spaces. The applicant is proposing to provide 16 vehicle parking spaces. Six bicycle parking spaces are also provided. These bicycle spaces are allowed to be provided in lieu of one vehicle parking space. The applicant expects that most patrons of the facility would walk to the site. The site is located within close proximity to the Franklin LRT station and several bus routes. The proposed height would not have an impact on congestion in the streets.

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

The site is located within the Franklin Avenue Transit Station Area. However, there are not any direct TSA policies that relate to this type of use and the height of a building on this site. The following principles and polices of *The Minneapolis Plan* apply to this proposal:

9.16 Minneapolis will encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs.

Applicable Implementation Steps

Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings.

Staff comment: The park is the only use occupying the block. The surrounding uses on adjacent blocks include multiple family residences and a place of assembly. The buildings in the immediate area are two to 12 stories in height. The proposed height should have little impact on surrounding properties. It would be consistent with the comprehensive plan.

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 use of the site for a 3-story building will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances, and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

(1) Access to light and air of surrounding properties.

The park is the only use occupying the block. The surrounding uses on adjacent blocks include multiple family residences and a place of assembly. The buildings in the immediate area are two to 12 stories in height. The proposed height should have little effect on surrounding properties access to air and light.

(2) Shadowing of residential properties or significant public spaces.

The applicants did not submit a shadow study as part of this application. The part of the building exceeding 35 feet in height would be set back 60 feet from the street. Residences located across the street would not be affected. The playground would not be shadowed. Shadowing in the park would not be significant.

(3) The scale and character of surrounding uses.

The surrounding uses on adjacent blocks include multiple family residences and a place of assembly. The buildings in the immediate area are two to 12 stories in height. The building would not be out of scale or character with other buildings in the area.

(4) Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings including the Holy Rosary Catholic Church or the park. It would not block views to any bodies of water.

VARIANCES: 1) to reduce the required front yard along 17th Ave from 20 feet to 7 feet to allow the building, a surface parking area, and a walkway wider than 8 feet in width, and 2) to allow parking between a principal structure and the front lot line (17th Ave) in a residential 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.

Variance to reduce the front yard requirement and variance to allow parking between a building and street: A 20 foot front yard is required along 17th Avenue. The applicant is proposing a 7 foot setback for the building and a parking area. The applicant is also proposing to locate the parking area between the building and the front lot line. This is not allowed in the residence districts. The site is a through lot and has frontage on four streets. There are no other uses or buildings located on the same block front. The applicant has indicated that in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer, the building and parking must be located closer to the street. There is also a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. Walkways 8 feet wide or less are permitted obstructions in a required front yard. An approximately 10 foot wide walkway is proposed to link the 17th Ave S and 24th St E intersection to the new building. This will likely be used as a primary pedestrian route to enter the park from the neighborhood because it leads to the pool, playground areas, and community center. Flaring the walkway at the intersection is intended to prevent “cutting the corner”. The requests are 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.

Variance to reduce the front yard requirement and variance to allow parking between a building and street: The site is a through lot and has frontage on four streets. In the park, there are no other buildings fronting 17th Avenue. A utility easement held by the City is located in vacated 18th Street, which restricts where the building can be located. There is also a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. Parks have frequent pedestrian traffic where wider walkways are needed. These circumstances are unique to the property and have not been created by the applicant.

- 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.**

Variance to reduce the front yard requirement and variance to allow parking between a building and street: 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. Restrictions on the location of parking areas in residential areas are established to ensure compatibility between parking areas and residential uses and maintain the residential character of the districts. The site is a through lot and has frontage on four streets. In the park, there are no other buildings fronting 17th Avenue. The applicant is proposing a 7 foot setback for the building and a parking area. Between the building and the street, the applicant would provide shrubs and perennials. Between the parking and the street, the applicant would provide trees and a variety of shrubs. To reach the front entrance, pedestrians would not have to walk through the parking lot. Parks have frequent pedestrian traffic where wider walkways are needed. The 10 foot wide walkway will likely be used as a primary pedestrian route to enter the park from the neighborhood because it leads to the pool, playground areas, and community center. Flaring the walkway at the intersection is intended to prevent “cutting the corner”. The granting of the variances should have little effect on the surrounding properties and are in keeping with the intent of the ordinance as long as sufficient screening is provided between the parking area and the right-of-way.

- 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.**

Variance to reduce the front yard requirement and variance to allow parking between a building and street: The granting of the variances should not affect public safety or increase congestion in the public streets.

VARIANCE: to reduce the minimum parking requirement.

Findings Required by the Minneapolis Zoning Code:

- 1. The property cannot 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 parking requirement for a park is based on the sum of the parking requirements of the specific components that comprise the use. The specific components requiring parking include an indoor basketball/volleyball court, a game room, and places to assemble. Notwithstanding these requirements, the maximum amount of parking required by the zoning code for a neighborhood park is 20 spaces. The combined requirements exceed 20 spaces, therefore the minimum parking requirement is 20 spaces. The applicant is proposing to provide 16 vehicle parking spaces. Six bicycle parking spaces are also provided. These bicycle spaces are allowed to be provided in lieu of one vehicle parking space. The applicant is requesting to reduce the parking requirement by 3 spaces. An off-street drop-off space used for loading and unloading

would also be provided. The applicant expects that most patrons of the facility would walk to the site. The site is also located within close proximity to the Franklin LRT station and several bus routes. Physical features of the site also limit how much parking can be provided. There is a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. The applicant has also indicated that less parking is necessary in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer. With the access to alternate modes of transportation for a pedestrian oriented use, the proposed amount of parking 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.**

Physical features of the site also limit how much parking can be provided. There is a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. The applicant has also indicated that less parking is necessary in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer. The proposed use is pedestrian and neighborhood oriented. The site is located within close proximity to the Franklin LRT station and several bus routes. Although all of these are not circumstances unique to the parcel, it is in an area with multiple transportation options that reduces the need for off-street vehicle parking.

- 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 parking regulations is to provide for the parking needs of uses and structures and to enhance the compatibility between parking areas and their surroundings. The parking requirements for parks are subject to maximum requirement in order to prevent requiring a lot of open space to be dedicated to parking. The applicant expects that most patrons of the facility would walk to the site. The site is also located within close proximity to the Franklin LRT station and several bus routes. The granting of the variance should have little effect 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.**

The proposed use is pedestrian and neighborhood oriented. Because alternate options for transportation modes exist or are proposed, the variance should not increase congestion in the area. The Planning Department does not expect that granting the variance would affect public safety.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

- 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 and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- 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. In the case of a corner lot, the principal entrance shall face the front lot line.
- 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 walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- 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 fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.

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- b. **Windows shall be distributed in a more or less even manner.**
- c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The building would be oriented towards 17th Avenue, but would have windows would be provided on all sides of the building to maximize natural surveillance and visibility. Multiple walkways would connect the building to the surrounding streets.

The site is a through lot and has frontage on four streets. Along 17th Avenue, the building would be set back between 7 and 91 feet. The building would be set back over 90 feet from 24th Street East and over 280 feet 22nd Street East. The minimum front yard requirements along 17th Avenue and 24th Street are 20 feet. The minimum corner side yard setback adjacent to 22nd Street is 14 feet. The applicant is requesting a variance to reduce the front yard requirement adjacent to 17th Avenue. There are no other uses or buildings located on the same block front. The applicant has indicated that in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer, the building and parking must be located closer to the street. There is also a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. For these reasons, staff believes alternative compliance is warranted to allow the proposed placement of the building. Staff is also recommending approval of the variance.

Except where the parking area is located, landscaping would be located between the building and lot lines. The applicant would provide a landscaped yard between the parking area and adjacent lot lines.

A principal entrance would face 17th Avenue. Another principal entrance would be oriented towards the 17th Avenue and 24th Street intersection.

A surface parking area would be located between the building and 17th Avenue. In the residential districts, located parking between the building and the front lot line is not allowed.

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The applicant is requesting a variance. Physical features of the site limit where parking can be provided. There is a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. The applicant has indicated that in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer, the building and parking must be located closer to the street. The particular placement of the parking area and walkways would still facilitate pedestrian access and would not require people to walk through the parking lot to access the parking building. For these reasons, staff believes alternative compliance is warranted. Staff is also recommending approval of the variance.

To divide the buildings into smaller, identifiable sections, recesses and projections, multiple entrances, windows and other architectural features have been incorporated.

Most of the building walls would include sufficient architectural detail and would make generous use of windows to avoid blank walls exceeding 25 feet in width, except the north and south elevations of the pump room and pool bathrooms and the upper portions of the east and west annex walls. On the pump room/ pool bathroom walls, the blank walls would be approximately 28 feet wide. The exterior material proposed is cementitious panels. Visibility to and from these spaces would provide little surveillance value. Providing windows would be impractical. The upper part of the annex walls are considered blank because the room is more than 14 feet in height (the walls are 20 feet high) and is considered two stories. On the east elevation, visibility of the blank wall is limited from the ground because of adjacent building structure. Ten foot high windows are provided on the first story on both walls that makes up for the lack of architectural detail on the second stories. For these reasons, staff believes alternative compliance is warranted for these walls.

The primary exterior materials, including metal and cementitious panels, would be durable. Please note, exterior material changes at a later date would require review by the planning commission and an amendment to the site plan review.

Plain face concrete block would not be used as a primary exterior building material.

All sides of the building would be similar in appearance and compatible.

Principal entrances would project from the building and would be sheltered by canopies to emphasize their importance. On the 17th Avenue elevation, thirty percent windows are required on the first floor and 10 percent windows are required on the second floor. Over 50 percent of the first floor and second floor walls would contain windows. On the north annex elevation, 30 percent windows are required because it faces the parking area. Approximately 26 percent windows would be provided. Most of the wall space in the annex is occupied by storage. The abundant amount of windows on adjacent walls of the east elevations would allow for sufficient natural surveillance and visibility. Staff is recommending that alternative compliance be granted for the window requirement on the north annex wall. Windows used to meet the minimum requirements would be vertical in proportion and distributed in a fairly even manner. Also, the bottom of windows used to meet the ground floor requirement would not be more than 4 feet above the adjacent grade. The applicant has indicated that the windows would be lightly tinted

with a light transmittance ratio greater than 0.6. They also indicated that views into and out of the building at eye level would not be obstructed.

The roofs on the building would be flat and pitched. Multi-family and nonresidential buildings in the area have a mix of flat and pitched roofs.

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 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

Conformance with above requirements:

Walkways exceeding four feet in width are proposed from the public sidewalk and parking areas to the building entrances.

There are not any transit shelters adjacent to the site.

Vehicular access to the site would be from 17th Avenue. Two curb cuts, one entrance and one exit, are proposed. Each curb cut would 18 feet wide. The proposed curb cuts should have minimal conflicts with pedestrians and nearby residential properties.

There are no public alleys adjacent to the site.

Excessive amounts of impervious surface are not proposed in the development.

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, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **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.**
- **Except as otherwise provided, 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 530.170 (b), including providing landscape yards along a public street, public**

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sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.

- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 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 530.210.
- 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 530.80, as provided in section 530.220.

Conformance with above requirements:

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 282,794 square feet. The building footprints would be approximately 21,490 square feet. The lot area minus the building footprints therefore consists of approximately 261,304 square feet. At least 20 percent of the net site area (52,261 square feet) must be landscaped. The applicant's landscape plan proposes to landscape 184,915 square feet, which far exceeds the minimum requirement.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 105 and 523 respectively. The applicant is proposing to keep 62 on-site deciduous canopy trees and 14 on-site coniferous trees. The applicant is also proposing to add 12 new canopy trees, 7 ornamental trees, 175 shrubs, and other perennials and grasses. A large part of the park is occupied by a ball field, which limits how many trees and shrubs can be planted. Staff is recommending that the planning commission grant alternative compliance.

A 20-foot wide landscaped yard is required between the surface parking area and 17th Avenue. The applicant is requesting a variance to reduce the yard requirement to 7 feet. Staff is recommending approval of the variance and recommends that the planning commission also grant alternative compliance.

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking area and the streets. A row of shrubs is proposed in the landscaped yard in front of the parking. The two types of proposed shrubs would exceed three feet in height at maturity. With taller shrubs, views to and from the parking area would be impeded at eye level and may create safety issues. Staff is recommending that the planning commission required the screening comply with the three foot requirement.

Canopy trees are required to be provided for every 25 feet of parking area lot frontage, or 7. Ten trees are proposed.

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The landscape plan indicates that areas of the parking lot that are unavailable for parking or vehicle circulation would be landscaped.

All parking spaces would be within 50 feet of an on-site deciduous tree.

Turf would cover all areas that are not paved, landscaped, or occupied by park amenities.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, 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 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, 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.

Conformance with above requirements:

Continuous six inch by six inch concrete curbing is proposed around the surface parking area except where a gap in the curbing would allow stormwater to flow into a proposed rain garden.

The new building should not block or impede the views of any important elements of the city.

The tallest part of the building would be set back 60 feet from the closest street. There are no residential properties directly adjacent to the site. Shadowing from the building should have little impact on public spaces and adjacent properties.

Wind currents should not be a major concern.

The site design provides natural surveillance and visibility with abundant windows on all sides of the building. Lower growing shrubs will need to be provided between the parking area and the street to allow views into and out of the parking area. The proposal controls and guides to movement on the site with clearly defined walkways. Lighting is required to comply with the zoning code requirements.

The building to be removed is not a designated historic structure.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: A public park is a permitted use in the R2B district. The proposed community center would be an accessory use to the park.

Parking and Loading: The parking requirement for a park is based on the sum of the parking requirements of the specific components that comprise the use. The specific components requiring parking include an indoor basketball/volleyball court, a game room, and places to assemble. Notwithstanding these requirements, the maximum amount of parking required by the zoning code for a neighborhood park is 20 spaces. The combined requirements of the individual components exceed 20 spaces, therefore the minimum parking requirement is 20 spaces. The applicant is proposing to provide 16 vehicle parking spaces. Six bicycle parking spaces are also provided. These bicycle spaces are allowed to be provided in lieu of one vehicle parking space. The applicant is requesting a variance to reduce the parking requirement by 3 spaces.

In residence districts, off-street parking areas are not allowed to be located between the principal building and the front lot line. The applicant is proposing to locate the surface parking area between the building and the front lot line adjacent to 17th Avenue. A variance is requested.

A park does not have a loading requirement. The applicant is proposing a drop-off space for loading and unloading.

Maximum Floor Area: The lot area, according to the applicant, is 282,794 square feet. The maximum FAR allowed is 0.5. The building would have a total of 19,750 square feet. An existing building (to remain) on the site has approximately 7,140 square feet. The total FAR would be 0.1.

Minimum Lot Area: As previously noted, the overall lot has 282,794 square feet. The minimum area required for a park is 20,000 square feet.

Height: Nonresidential building height in the R2B district is limited to 2.5 stories or 35 feet, whichever is less. The tallest height of the building would be 35 feet. Although the building would have only 2 floors, by definition of the zoning code it is 3 stories. A story is defined as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less. Part of the height of the second floor would be greater than 14 feet, therefore it is considered two stories. A conditional use permit is required to increase the height.

Yard Requirements: The site is a through lot (a lot that front upon two generally parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lot). It has required front yards adjacent to 17th Avenue South, 24th Street East and Cedar Avenue. The minimum front yard required along these streets is 20 feet. Along 22nd Street East, a corner side yard of 14 feet is also required. All construction would occur outside of the required yards, except along 17th Avenue. The building and parking area would be set back 7 feet from the front lot line. Walkways are permitted obstructions as long as they do not exceed 8 feet in width. An

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approximately 10 foot wide walkway is proposed. The applicant is requesting a variance to reduce the yard requirement to allow the building, parking and walkway.

Lot Coverage: Not more than 50 percent of a zoning lot can be covered by buildings in the R2B district. On the proposed lot of 282,794 square feet, 141,397 square feet of building coverage is allowed. The proposed building foot print is 14,350 square feet. The footprint of the existing building (to remain) is approximately 7,140 square feet. The total building lot coverage proposed is 7.6 percent of the lot area.

Impervious Surface: Not more than 65 percent of a zoning lot can be impervious surfaces. The total amount of impervious surfaces proposed is 97,879 square feet or 34.6 percent of the lot area.

Specific Development Standards: Not applicable.

Lighting: Existing and proposed lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Screening of mechanical equipment: Mechanical equipment proposed for the development must comply with Chapter 535 screening requirements:

535.70. Screening of mechanical equipment. (a) In general. All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) Screened by another structure. Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) Screened by vegetation. Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) Screened by the structure it serves. Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) Designed as an integral part of the structure. If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

(b) Exceptions. The following mechanical equipment shall be exempt from the screening requirements of this section:

- (1) Minor equipment not exceeding one (1) foot in height.
- (2) Mechanical equipment accessory to a single or two-family dwelling.
- (3) Mechanical equipment located in an I2 or I3 District not less than three hundred (300) feet from a residence or office residence district.

Most of the mechanical equipment would be enclosed within the building. A mechanical pad would be located north of the building. The landscaping proposed would not sufficiently screen mechanical equipment located there.

Dumpster screening: Screening must comply with Chapter 535 of the zoning code including:

535.80. Screening of refuse storage containers. 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.

A 6-foot high, ornamental metal fence is proposed for the trash enclosure. The screening provided needs to be at least 95 percent opaque.

Signs: A freestanding sign is proposed. The size and height comply with the district requirements. However, the sign is proposed to be backlit. Back-lighted signs are prohibited in the residential districts. This standard cannot be varied. Any new signage will require Zoning Office review, approval, and permits.

MINNEAPOLIS PLAN: The site is located within the Franklin Transit Station Area. In addition to the principles and policies discussed in the conditional use permit section of this staff report, the following apply:

1.2 Minneapolis will encourage both public and private development that provides gathering spaces in city neighborhoods.

Applicable Implementation Step

Develop new facilities that act as gathering spaces in parks and on other publicly owned land.

6.3 Minneapolis will offer a diverse range of programming and recreational facilities for resident use.

Applicable Implementation Step

Diversify the recreational facilities offered by the city to respond to the wide range of resident interests.

6.4 Minneapolis will make parks secure, attractive places and ensure that these facilities are accessible, enjoyable and safe.

Applicable Implementation Step

Use design features that promote safety and security when constructing or renovating park spaces.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Require the landscaping of parking lots.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

9.17 Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

Applicable Implementation Step

Integrate "eyes on the street" design principles into site plan review to foster safer and more successful commercial areas in the city.

9.39 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Applicable Implementation Steps

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

The *Franklin-Cedar/Riverside Transit Oriented Development Plan*, adopted by the City Council in 2001, designates the land use of the subject site to remain as park. Additional guidance is not provided.

Staff comment: The cultural and community center would provide gathering spaces and diverse programming. The site design provides natural surveillance and visibility with abundant windows on all sides of the building. Lower growing shrubs will need to be provided between the parking area and the street to allow views into and out of the parking area. The proposal controls and guides to movement on the site with clearly defined walkways. Lighting is required to comply with the zoning code requirements. Although the comprehensive plan discourages locating parking between a building and a street, the proposed placement of the parking area and the limited number of parking spaces would preserve open space to allow other park amenities.

ALTERNATIVE COMPLIANCE. The Planning Commission or zoning administrator may approve alternatives to any 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, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, 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.**

Alternative compliance is requested by the applicant for the following standards:

- Location of the buildings within 8 feet from a lot line adjacent to a street

The site is a through lot and has frontage on four streets. Along 17th Avenue, the building would be set back between 7 and 91 feet. The building would be set back over 90 feet from 24th Street East and over 280 feet 22nd Street East. The minimum front yard requirements along 17th Avenue and 24th Street are 20 feet. The minimum corner side yard setback adjacent to 22nd Street is 14 feet. The applicant is requesting a variance to reduce the front yard requirement adjacent to 17th Avenue. There are no other uses or buildings located on the same block front. The applicant has indicated that in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer, the building and parking must be located closer to the street. There is also a large earth mound just north of the proposed building location and existing park amenities on the south side of

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the park affecting the placement of the building and parking. For these reasons, staff believes alternative compliance is warranted to allow the proposed placement of the building. Staff is also recommending approval of the variance.

- Location of the surface parking area

A surface parking area would be located between the building and 17th Avenue. In the residential districts, located parking between the building and the front lot line is not allowed. The applicant is requesting a variance. Physical features of the site limit where parking can be provided. There is a large earth mound just north of the proposed building location and existing park amenities on the south side of the park affecting the placement of the building and parking. The applicant has indicated that in order to maintain the most amenities including a multi-purposed field used for baseball, football, and soccer, the building and parking must be located closer to the street. The particular placement of the parking area and walkways would still facilitate pedestrian access and would not require people to walk through the parking lot to access the parking building. For these reasons, staff believes alternative compliance is warranted. Staff is also recommending approval of the variance.

- Blank, uninterrupted walls exceeding 25 feet in width

Most of the building walls would include sufficient architectural detail and would make generous use of windows to avoid blank walls exceeding 25 feet in width, except the north and south elevations of the pump room and pool bathrooms and the upper portions of the east and west annex walls. On the pump room/ pool bathroom walls, the blank walls would be approximately 28 feet wide. The exterior material proposed is cementitious panels. Visibility to and from these spaces would provide little surveillance value. Providing windows would be impractical. The upper part of the annex walls are considered blank because the room is more than 14 feet in height (the walls are 20 feet high) and is considered two stories. On the east elevation, visibility of the blank wall is limited from the ground because of adjacent building structure. Ten foot high windows are provided on the first story on both walls that makes up for the lack of architectural detail on the second stories. For these reasons, staff believes alternative compliance is warranted for these walls.

- Minimum window requirements

Principal entrances would project from the building and would be sheltered by canopies to emphasize their importance. On the 17th Avenue elevation, thirty percent windows are required on the first floor and 10 percent windows are required on the second floor. Over 50 percent of the first floor and second floor walls would contain windows. On the north annex elevation, 30 percent windows are required because it faces the parking area. Approximately 26 percent windows would be provided. Most of the wall space in the annex is occupied by storage. The abundant amount of windows on adjacent walls of the east elevations would allow for sufficient natural surveillance and visibility. Staff is recommending that alternative compliance be granted for the window requirement on the north annex wall.

- Minimum number of trees and shrubs

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The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 105 and 523 respectively. The applicant is proposing to keep 62 on-site deciduous canopy trees and 14 on-site coniferous trees. The applicant is also proposing to add 12 new canopy trees, 7 ornamental trees, 175 shrubs, and other perennials and grasses. A large part of the park is occupied by a ball field, which limits how many trees and shrubs can be planted. Staff is recommending that the planning commission grant alternative compliance.

- Landscaped yard requirement between a parking area and a street

A 20-foot wide landscaped yard is required between the surface parking area and 17th Avenue. The applicant is requesting a variance to reduce the yard requirement to 7 feet. Staff is recommending approval of the variance and recommends that the planning commission also grant alternative compliance.

- Screening between a parking area and a street

Screening that is 3 feet in height and at least 60 percent opaque is also required between the parking area and the streets. A row of shrubs is proposed in the landscaped yard in front of the parking. The two types of proposed shrubs would exceed three feet in height at maturity. With taller shrubs, views to and from the parking area would be impeded at eye level and may create safety issues. Staff is recommending that the planning commission required the screening comply with the three foot requirement.

RECOMMENDATIONS

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 **approve** the application for a conditional use permit to increase the height allowed from 2.5 stories to 3 stories and from 35 feet to 39 feet for the property located at 2307 17th Avenue South, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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 **approve** the application for a variance to reduce the required front yard along 17th Ave from 20 feet to 7 feet to allow the building, a surface parking area, and walkways wider than 8 feet in width for the property located at 2307 17th 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 **approve** the application for a variance to reduce the minimum parking requirement from 20 spaces to 17 spaces for the property located at 2307 17th Avenue South, subject to the following condition:

- 1) Not less than six bicycle parking spaces shall be provided adjacent to the 17th Avenue entrance.

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 **approve** the application for a variance to allow parking between a principal structure and the front lot line (17th Ave) in a residential district for the property located at 2307 17th 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 **approve** the application for site plan review located at the property of 2307 17th Avenue South, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by December 8, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- 3) Screening that complies with section 530.170 of the zoning code shall be provided between the parking area and 17th Avenue.
- 4) Screening for mechanical equipment shall comply with section 535.70 of the zoning code.
- 5) Screening for the refuse containers shall comply with section 535.80 of the zoning code.
- 6) Signage shall comply with the applicable provisions of Chapter 543 of the zoning code.

Attachments:

1. Preliminary Development Review comments
2. Applicant statement of proposed use, photos, and findings
3. Correspondence
4. Zoning map
5. Plans