

Department of Community Planning and Economic Development (CPED)
Rezoning, Conditional Use Permit, Variances and Site Plan Review
BZZ-6260

Date: October 28, 2013

Applicant: Church of St. Anne – St. Joseph Hien

Address of Property: 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North

Project Name: Church of St. Anne – St. Joseph Hien parking lot

Contact Person and Phone: Steve Minn with Lupe Development Partners, LLC, (612) 436-3200, ext 210

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: October 9, 2013

End of 60-Day Decision Period: December 8, 2013

End of 120-Day Decision Period: Not applicable for this development

Ward: 5 Neighborhood Organization: Jordan Area Community Council and Northside Residents Redevelopment Council

Existing Zoning: R4, Multiple-family District and R5, Multiple-family District

Proposed Zoning: R5, Multiple-family District

Zoning Plate Number: 7

Legal Descriptions for 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North: E 34 feet of Lot 24 and E 42 67/100 feet of Lots 25 and 26, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota; E 36 67/100 feet of W 85 33/100 feet Lots 25 and 26, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota; W 48 66/100 feet of Lots 25 and 26, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota; and Lots 1, 2 and 3, Block 1, Wenz Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Expansion of an existing parking lot serving an institutional/public use

Concurrent Review:

Rezoning: of the properties located at 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North from the R4, Multiple-family District to the R5, Multiple-family District.

Conditional use permit: to allow an expansion of an existing parking lot serving an institutional/public use.

Variance: of the front yard setback along Penn Avenue North from 15 feet to 7 feet.

Department of Community Planning and Economic Development
BZZ-6260

Variance: of the corner side yard setback along 26th Avenue North from 8 feet to 7 feet.

Variance: of the south interior side property line from 5 feet to 2 feet.

Site plan review: for an expansion of a principal parking facility.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Chapter 530, Site Plan Review.

Background: The Church of St. Anne – St. Joseph Hien, located on the northwest corner of Queen Avenue North and 26th Avenue North, is proposing to expand their existing surface parking lot that is located along Queen Avenue North. The parking lot is used by their congregation during church services and other church functions. The Church of St. Anne had been an established church in the community for over 125 years. In 2004, the Church of St. Anne merged with the Church of St. Joseph Hien to create one new congregation with over 3,000 members. The applicant has indicated that the church has always struggled to provide enough on-site parking. When the church was a neighborhood church many of the congregation members walked to and from services and other various functions but since the two church congregations merged the lack of off-street parking has become heightened.

To help mitigate the parking problem in the neighborhood the church began purchasing properties on the block bounded by West Broadway Avenue, Queen Avenue North, 26th Avenue North and Penn Avenue North in 2009. In October of 2009, the City Planning Commission approved land use applications for two separate parking lots on the block. The larger parking lot, with 96 parking spaces, was constructed along Queen Avenue North. When it was finished it had 86 parking spaces. The smaller parking lot, with 31 parking spaces, was to be constructed along Penn Avenue North. The smaller parking lot was never built.

The applicant is now proposing to expand the existing 86-space parking lot by 69 parking spaces. As part of the mixed-use development project (BZZ-6259) occurring on the southeastern portion of the block the existing public alley will be vacated. Once vacated, the alley will be split down the middle and the land will revert back to the adjacent properties.

The existing parking lot is zoned R5, Multiple-family District and the lots that would be combined with the existing parking lot are zoned R4, Multiple-family District. In order to combine the parcels into one zoning lot they need to have the same primary zoning classification. The applicant is proposing to rezone the entire zoning lot to the R5, Multiple-family District. Parking lots serving an institutional/public use require a conditional use permit. In addition to these applications three setback variances are required as is site plan review.

REZONING – of the properties located at 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North from the R4, Multiple-family District to the R5, Multiple-family District

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the parking lot is located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.”

The *West Broadway ALIVE* small area plan was approved by the Minneapolis City Council in March of 2008. The plan designates the subject properties as urban neighborhood and within the urban scale development intensity category. The existing parking lot has the same designations. Rezoning the subject properties to the R5, Multiple-family District is compatible with *The Minneapolis Plan for Sustainable Growth* and the *West Broadway ALIVE* plan.

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

The amendment will allow the applicant to expand the existing parking lot as the entire zoning lot will have the same primary zoning classification. Policies within *The Minneapolis Plan for Sustainable Growth* support the zoning amendment.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The majority of the properties on the block are zoned R5 but there are properties located in the R4, Multiple-family District, OR2, High Density Office Residence District and the C3A, Community Activity Center District also on the block. Rezoning the R4 properties to the R5 zoning district will bring the entire development site under one zoning classification. Uses in the surrounding area are primarily residential of varying densities, a church and some small scale commercial and office uses. Zoning classifications of other properties in the area include R1A, OR2, C1 and C2. Rezoning the subject properties from the R4 zoning district to the R5 zoning district will be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

In general, there are reasonable uses allowed under the R4 zoning classification but rezoning the R4 properties to the R5 zoning district would bring the entire development site under one zoning classification.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The surrounding area is and has primarily remained a low density residential neighborhood. In 2004, a multiple-family development was constructed on the block immediately west of the subject properties and there is a proposal to construct a mixed-use development on the southeastern portion of the block which includes ground floor commercial and 103 dwelling units.

CONDITIONAL USE PERMIT - for a parking lot serving an institutional/public use - Church of St. Anne - St. Joseph Hien

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Expanding the existing surface parking lot will not be detrimental to or endanger the public health, safety, comfort or general welfare. The Church of St. Anne - St. Joseph Hien has a congregation of over

3,000 members. The applicant has indicated that providing additional off-street parking will help alleviate pressure on the surrounding residential streets.

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

Expanding the existing surface parking lot would not be injurious to the use and enjoyment of other property in the area. The expansion of the parking lot will result in site improvements such as landscaping, lighting and stormwater management.

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

The applicant will work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking lot has been designed with only one curb cut leading to it along Queen Avenue North. However, the applicant is proposing to leave the existing alley curb cut on 26th Avenue North in place so it can be used as an overflow exit during peak times. The applicant has indicated that the overflow exit will be gated during non-peak periods. Since the parking lot has been designed with parking spaces in front of the existing curb cut, CPED is recommending that the curb cut be closed and that the sidewalk and green boulevard be repaired so as to minimize confusion for both drivers and pedestrians.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the parking lot is located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.”

The proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Although expanding the existing surface parking lot does not enhance the transit and pedestrian oriented character of a Community Corridor it will alleviate on-street parking pressure for those who live in the area.

The Minneapolis City Council approved the *West Broadway ALIVE* small area plan in March of 2008. The plan identifies the site for future multiple-family housing. The plan addresses design standards for off-street parking lots. Specifically, the plan says that parking lots should be screened from the public street with a combination of fencing and landscaping. The proposed development would be in conformance with the design standards for off-street parking lots contained in the *West Broadway ALIVE* small area plan.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

With the approval of the rezoning, conditional use permit, variances and site plan review this development will meet the applicable regulations of the zoning district.

VARIANCE – to reduce the front yard setback along Penn Avenue North from 15 feet to 7 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Front yard setback: The applicant is seeking a variance to reduce the required front yard setback along Penn Avenue North from 15 feet to 7 feet. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The parcel of land has two front yards as it is a through lot with frontage on both Penn Avenue North and Queen Avenue North. The applicant has indicated that in order to expand the existing parking lot and maintain the layout of the existing drive aisles and to maximize the amount of parking spaces in the lot while maintaining the green space on the corner of

Queen Avenue North and 26th Avenue North that the front yard setback along Penn Avenue North had to be reduced to 7 feet.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Front yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The granting of the variance would be in keeping with the intent of the zoning code. Although the parking lot would encroach into the required front yard setback the proposed mixed-use development that would be constructed on the southeast side of the block will be situated 2 feet from the front property line along Penn Avenue North. The proposed mixed-use building will be located approximately 80 feet from the property.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Front yard setback: Granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Nor would it have an impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety. The expansion of the parking lot will result in site improvements such as landscaping, lighting and stormwater management.

VARIANCE – to reduce the corner side yard setback along 26th Avenue North from 8 feet to 7 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Corner side yard setback: The applicant is seeking a variance to reduce the corner side yard setback along 26th Avenue North from 8 feet to 7 feet. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The applicant has indicated that in order to expand the existing parking lot and maintain the layout of the existing drive aisles and to maximize the amount of parking spaces in the lot while maintaining the green space on the corner of Queen Avenue North and 26th Avenue North that the corner side yard setback along 26th Avenue North had to be reduced to 7 feet. In addition, the two middle rows of parking spaces have been designed to be compact. If the setback were to be met either another row of parking would have to be made compact or one of the rows of parking would have to be eliminated.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Corner side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The granting of the variance would be in keeping with the intent of the zoning code. Although the parking lot would encroach into the required corner side yard setback it is the only use along 26th Avenue North between Penn Avenue North and Queen Avenue North.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Corner side yard setback: Granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Nor would it have an impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety. The expansion of the parking lot will result in site improvements such as landscaping, lighting and stormwater management.

VARIANCE - to reduce the south interior side property line from 5 feet to 2 feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

South interior side yard setback: The applicant is seeking a variance to reduce the south interior side property line from 5 feet to 2 feet. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The applicant has indicated that in order to expand the existing parking lot and maintain the layout of the existing drive aisles and to maximize the amount of parking spaces in the lot while maintaining the green space on the corner of Queen Avenue North and 26th Avenue North that the south interior side yard setback had to be reduced to 2 feet. In addition, the two middle rows of parking spaces have been designed to be compact. If the setback were to be met either another row of parking would have to be made compact or one of the rows of parking would have to be eliminated.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

South interior side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The granting of the variance would be in keeping with the intent of the zoning code. Although the parking lot would encroach into the required south interior side yard setback there will be a substantial amount of green space on the abutting property that will help screen the parking lot from the proposed mixed-use building.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

South interior side yard setback: Granting of the variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Nor would it have an impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety. The expansion of the parking lot will result in site improvements such as landscaping, lighting and stormwater management.

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 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, windows, and active functions:
 - 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.
 - Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.
- 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.
 - 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.**
- g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.**
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

CPED RESPONSE:

- There are no structures associated with the expansion of the parking lot.

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.**

CPED RESPONSE:

- There is a walkway in the northwest corner of the parking lot that leads from the public sidewalk to the edge of the parking lot.
- There is no transit shelter proposed as part of this development.
- The parking lot has been designed with only one curb cut leading to it along Queen Avenue North. However, the applicant is proposing to leave the existing alley curb cut on 26th Avenue North in place so it can be used as an overflow exit during peak times. The applicant has indicated that the overflow exit will be gated during non-peak periods. Since the parking lot has been designed with parking spaces in front of the existing curb cut, CPED is recommending that the curb cut be closed

and that the sidewalk and green boulevard be repaired so as to minimize confusion for both drivers and pedestrians.

- As part of the mixed-use development project (BZZ-6259) occurring on the southeastern portion of the block the existing public alley will be vacated. Once vacated, the alley will be split down the middle and the land will revert back to the adjacent properties.
- The maximum impervious surface requirement in the R5 zoning district is 85 percent. According to the materials submitted by the applicant 69 percent of the development site will be impervious.

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 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.**

CPED RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 66,601 square feet. Twenty percent of this number is 13,320 square feet. According to the applicant's landscaping plan there is 19,727 square feet of landscaping on the site or approximately 30 percent of the site.

Department of Community Planning and Economic Development
BZZ-6260

- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement is 27 and 133 respectfully. The applicant is proposing to have 3 canopy trees and 281 shrubs on the site. In addition there will be ornamental trees and perennials planted on the site. The applicant is also proposing to plant 10 canopy trees in the right-of-way adjacent to Penn Avenue North and 26th Avenue North. Alternative compliance is needed.
- The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. There will be a 7-foot landscaped yard around the perimeter of the parking lot.
- The zoning code requires screening that is 3 feet in height and not less than 60 percent opaque be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The applicant is proposing to landscape the area between the property line and the parking lot with plant materials that will grow to a height of at least 3 feet and be not less than 60 percent opaque.
- Not less than one tree shall be provided for every 25 linear feet of parking lot frontage. The parking lot has 120 feet of frontage along Penn Avenue North which requires 5 trees and the parking lot has 203 feet of frontage along 26th Avenue North which requires 8 trees. The applicant is proposing to have 4 trees planted in the boulevard along Penn Avenue North and 6 trees planted in the boulevard along 26th Avenue North. Alternative compliance is needed.
- The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The majority of the landscaped yard is greater than 7 feet but a portion of it is 2 feet wide. Alternative compliance is needed.
- The zoning code requires screening that is 6 feet in height and not less than 95 percent opaque be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. The applicant is proposing to landscape the area between the interior property line and the parking lot with plant materials that will grow to a height of at least 3 feet and be not less than 60 percent opaque. In order to better screen the parking area from the adjacent property CPED is recommending that plant materials that grow to a height of at least 6 feet and not less than 95 percent opaque be selected for this area.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. The majority of the parking spaces will not be located within 50 feet of an on-site deciduous tree. Alternative compliance is needed.
- Tree islands in parking lots must have a minimum width of seven feet in any direction. There are no tree islands in the parking lot.

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.**

CPED RESPONSE:

- The parking lot will have continuous curb and gutter constructed around its perimeter. Stormwater runoff from the surface parking lot will be directed to a rain garden in the southwest corner of the parking lot. The rain garden is existing; however, it will be made larger as part of this project in order to accommodate the additional runoff.
- The expanded parking lot will not block views of important elements of the city.
- The expanded parking lot will not shadow public spaces and adjacent properties.
- The expanded parking lot will not generate wind currents at ground level.
- The site plan complies with crime prevention design elements as there is a walkway in the northwest corner of the parking lot that leads from the public sidewalk to the edge of the parking lot, the landscape design provides a buffer around the parking lot while still allowing views into and out of it and there are lights located in and around the perimeter of the parking lot.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Parking lots serving an institutional/public use require a conditional use permit in the R5 zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for a church is equal to ten percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The applicant has indicated that the main sanctuary and choir loft is 12,030 square feet. The minimum parking requirement is 80 spaces. There are 61 parking spaces located on the church site itself. With the expansion of the parking lot there will be a total of 216 parking spaces provided for the church.

Maximum automobile parking requirement: The maximum parking requirement for a church is

Department of Community Planning and Economic Development
BZZ-6260

equal to 40 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium by opening doors or windows to obtain audio or video unity. The applicant has indicated that the main sanctuary and choir loft is 12,030 square feet. The maximum parking requirement is 321 spaces. There are 61 parking spaces located on the church site itself. With the expansion of the parking lot there will be a total of 216 parking spaces provided for the church.

Bicycle Parking: There is no bicycle parking requirement for a parking lot serving an institutional/public use.

Loading: There is no loading requirement for a parking lot serving an institutional/public use.

- **Maximum Floor Area:** There is no maximum floor area for a parking lot serving an institutional/public use.
- **Building Height:** Building height in the R5 zoning district is limited to 4 stories or 56 feet. There are no structures associated with the expansion of the parking lot.
- **Minimum Lot Area:** The minimum lot area for a parking lot serving an institutional/public use in the R5 zoning district is 5,000 square feet. The site is 66,601 square feet.
- **Dwelling Units per Acre:** Not applicable for this application.
- **Yard Requirements:** The front yard setback requirement along both Penn Avenue North and Queen Avenue North is 15 feet, the corner side yard setback along 26th Avenue North is 8 feet and the interior side yard setback is 5 feet. The applicant has applied for setback variances along Penn Avenue North, 26th Avenue North and the south interior side property pone.
- **Specific Development Standards:** There are no specific development standards for a parking lot serving an institutional/public use.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. The sign allowances for a principal use parking lot are: notwithstanding the provisions of Tables 543-2, 543-3 and 543-4, signage accessory to principal use parking lots shall be limited to 1 nonilluminated sign per entrance, not to exceed 16 square feet in area and 14 feet in height. In addition, not more than 2 auxiliary signs per entrance shall be provided on the site. No sign shall project beyond the property line into the public right-of-way. The applicant is not proposing any signage for the parking lot.
- **Refuse storage:** There is no trash and recycling storage area on the site.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials. All lighting shall comply with Chapter 535, Regulations of General Applicability and Chapter 541, Off-Street Parking and Loading and CPED staff shall review the details of the fixtures in the final review prior to permit issuance.

MINNEAPOLIS PLAN:

Department of Community Planning and Economic Development
BZZ-6260

According to *The Minneapolis Plan for Sustainable Growth*, the subject properties to be rezoned are designated as urban neighborhood. The property abuts Penn Avenue North which is a designated Community Corridor. The block that the parking lot is located on abuts West Broadway on the south which is a designated Commercial Corridor and there is a designated Neighborhood Commercial Node centered around the intersection of West Broadway and Penn Avenue North. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

Land Use Policy 1.1 states: “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 states: “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use Policy 1.9 states: “Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.”

Land Use Policy 1.10 states: “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.”

Land Use Policy 10.18 states: “Reduce the visual impact of automobile parking facilities.” This policy includes the following applicable implementation steps: (10.18.1) “Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses” and (10.18.2) “Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.”

The proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

The Minneapolis City Council approved the *West Broadway ALIVE* small area plan in March of 2008. The plan identifies the site for future multiple-family housing. The plan addresses design standards for off-street parking lots. Specifically, the plan says that parking lots should be screened from the public street with a combination of fencing and landscaping. The proposed development would be in conformance with the design standards for off-street parking lots contained in the *West Broadway ALIVE* small area plan.

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.**

CPED RESPONSE:

- **The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site.** The tree and shrub requirement is 27 and 133 respectfully. The applicant is proposing to have 3 canopy trees and 281 shrubs on the site. In addition there will be ornamental trees and perennials planted on the site. The applicant is also proposing to plant 10 canopy trees in the right-of-way adjacent to Penn Avenue North and 26th Avenue North. **Not less than one tree shall be provided for every 25 linear feet of parking lot frontage.** The parking lot has 120 feet of frontage along Penn Avenue North which requires 5 trees and the parking lot has 203 feet of frontage along 26th Avenue North which requires 8 trees. The applicant is proposing to have 4 trees planted in the boulevard along Penn Avenue North and 6 trees planted in the boulevard along 26th Avenue North. **In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree.** The majority of the parking spaces will not be located within 50 feet of an on-site deciduous tree.

CPED does not recommend that the City Planning Commission grant alternative compliance to allow less than the minimum landscaping requirements. It is practical to design the site to accommodate all of the landscaping requirements.

- **The zoning code requires that a 7-foot wide landscaped yard be provided when a parking or loading facility is abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.** The majority of the landscaped yard is greater than 7 feet but a portion of it is 2 feet wide. Where the landscaped yard is only 2 feet wide is where the applicant has requested a variance. The applicant has indicated that in order to expand the existing parking lot and maintain the layout of the existing drive aisles and to maximize the amount of parking spaces in the lot while maintaining the green space on the corner of Queen Avenue North and 26th Avenue North that the landscaped yard had to be reduced to 2 feet. In addition, the two middle rows of parking spaces have been designed to be compact. If the setback were to be met

either another row of parking would have to be made compact or one of the rows of parking would have to be eliminated. CPED is recommending that alternative compliance be granted for the reduced yard.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development for the rezoning:

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the properties located at 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North from the R4, Multiple-family District to the R5, Multiple-family District.

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow an expansion of an existing parking lot serving an institutional/public use located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North subject to the following conditions:

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 two years of approval.
2. The curb cut for the existing alley on 26th Avenue North shall be closed. The sidewalk and green boulevard shall be repaired.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along Penn Avenue North from 15 feet to 7 feet located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the corner side yard setback along 26th Avenue North from 8 feet to 7 feet located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North.

Recommendation of the Department of Community Planning and Economic Development for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the south interior side property line from 5 feet to 2 feet located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North.

Recommendation of the Department of Community Planning and Economic Development for the site plan review:

The Department of 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 the property located at 2508, 2512, 2516, 2520, 2524, 2526 and 2538 Queen Avenue North, 2215, 2219 and 2223 26th Avenue North and 2527 Penn Avenue North subject to the following conditions:

1. The curb cut for the existing alley on 26th Avenue North shall be closed. The sidewalk and green boulevard shall be repaired.
2. The landscaping requirements of Chapter 530, Site Plan Review shall be met on site.
3. Plant materials that grow to a height of at least 6 feet and not less than 95 percent opaque shall be provided between the interior property line and the parking lot per Section 530.170 of the zoning code.
4. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development.
5. All site improvements shall be completed by October 28, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Department of Community Planning and Economic Development
BZZ-6260

Attachments:

1. Preliminary Development Review report from October 4, 2013
2. Project purpose and vision
3. Rezoning, conditional use permit and variance findings
4. September 27, 2013, letters to Council Member Samuels and the Jordan Area Community Council
5. March 14,2012, letter from the Jordan Area Community Council
6. April 18,2013,letter from the West Broadway Business and Area Coalition
7. Letters from the public
8. Zoning Map
9. Survey information
10. Civil, site and landscaping plans
11. Photographs of the site