



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: December 6, 2004

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Prepared by: Jim Voll, City Planner, (612) 673-3887

Approved by: Barbara Sporlein, Director, Planning

Subject: Appeal of the decision of the City Planning Commission

Previous Directives: None.

Financial Impact: Not applicable

Community Impact:

Ward: 6

Neighborhood Notification: Ventura Village was notified of the application.
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City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable
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Other: Not applicable

Background/Supporting Information: The City-County Federal Credit Union (CCFCU) applied for a site plan review to allow an expansion of the credit union's parking for its new facility at 913 East Franklin Avenue. The City Planning Commission denied the site plan review at its meeting of October 25, 2004. The CCFCU filed an appeal of the Planning Commission's decision (please see attached appeal) on November 4, 2004.

**Department of Community Planning and Economic Development - Planning
Division**

Site Plan Review Modification
BZZ-1995

Date: October 25, 2004

Applicant: City-County Federal Credit Union

Address of Property: 2007-2009 Elliot Avenue South (parking lot expansion)
907-913 East Franklin Avenue (new credit union building)

Contact Person and Phone: Modris Feders – Buetow and Associates 651-483-6701

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: September 28, 2004

End of 60-Day Decision Period: November 27, 2004

Ward: 6 Neighborhood Organization: Ventura Village

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: Plate Number 20

Legal Description: Not applicable for this application.

Proposed Use: Additional parking and access for credit union site.

Concurrent Review: Site plan review modification.

Applicable Zoning Code Provisions: Chapter 530 Site Plan Review.

Background: The City-County Federal Credit Union (CCFCU) is building a new drive-through facility at 907-913 East Franklin Avenue. This proposal received approval from the City Planning Commission on December 8, 2003 (BZZ-1459). The credit union will share a parking area with the Norwegian Lutheran Memorial Church to the south. The church parking lot to the south is zoned residential, so commercial traffic can not park in it, but the church members may park in any of the lots. A gate is being installed to allow church parking during church events in all lots, but to prevent commercial parking in the residentially zoned church lot during regular business hours. The CCFCU proposed to purchase the duplex at 2007-2009 Elliot Avenue South to remove or relocate it and to utilize this area for parking and a curb cut and access off of Elliot Avenue South to the larger parking area for the credit union and church.

Required Findings for Major 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

No new building is proposed. The area to be reviewed is parking, a drive-aisle, and a curb cut.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and

- surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

Public Works, Police and the Fire Department have reviewed the access and circulation and do not find it acceptable. Public Works will not approve a curb cut access onto Elliot Avenue, because it will eliminate three parking spaces on Elliot, it will move traffic onto Elliot that could access the site from Franklin, and because the site already has an adequate number of curb cuts. In addition, the drive as located can't provide the required five foot distance from a neighboring property before the beginning of the radius for the drive into the site. The Police Department is concerned that the addition of the drive will create a natural path for cut-through traffic from Elliot Avenue to 10th Avenue and that the addition of another access provides too many escape routes for potential criminal activity including bank robberies. Section 530.140 of the zoning code states that, "vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and with surrounding residential uses. Curb cuts for vehicles shall be consolidated wherever possible."

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b)
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in

section 530.220.

- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Approximately 14 percent of the overall site (including the original site plan) is landscaped. The applicant provided a decorative wrought iron type fence as an amenity in lieu of the 20 percent landscaping. The required five-foot landscaped yards along the Elliot Avenues frontage and along the south side of the parking lot are provided. The required number of shrubs are provided. The plan does not have the required tree along the street frontage on Elliot. One tree is required on the west side of the parking along the sidewalk. The parking lot is bounded by the required 6-inch by 6-inch continuous concrete curbing. The City's landscaping consultant has reviewed the landscaping plan and finds it acceptable.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- 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.

The parking lot will be screened to prevent headlights from shining on adjacent properties. The lighting will comply with Chapters 535 and 541 including the following standards:

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) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.

(3) 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.

(4) 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.

(5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The City's CPTED officer has recommended that all plantings follow the 3' – 7' rule to allow visibility into the site, that lighting be provided for security purposes.

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

MINNEAPOLIS PLAN:

The Minneapolis Plan designates this portion of Franklin Avenue as a commercial corridor. The plan states that commercial corridors "are streets that are available for development including more intensive commercial and high traffic activities. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Some uses may not be allowed on commercial corridors because of their impacts and the repercussions these impacts have on nearby residential areas. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings. These impacts include consequences such as fumes, noise, significant automobile traffic, late night activity, and negative aesthetics that may be associated with businesses such as major automobile repair and automobile sales. The streets that form the spine of these corridors carry large traffic volumes and must balance significant vehicular through- traffic capacity with automobile and pedestrian access to commercial property.

While the redevelopment of the site along Franklin and the additional parking is in conformance with the commercial corridor goals, the expansion of the parking lot, with an access onto Elliot, is not in conformance due to the impact it may have on the adjacent residential area from increased cut through traffic and reduced on-street parking.

ZONING CODE:

Hours of Operation: Hours of operation allowed under the C1 and C2 zoning are 6:00 a.m. to

10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The Credit Union will be open 8:00 a.m. to 6:00 p.m. Monday through Friday and the drive-through will be open 7:30 a.m. to 6:00 p.m. Monday through Friday.

Signage: All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office. A small freestanding traffic sign is proposed at the entrance to the site.

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

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

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is not necessary for the expansion.

RECOMMENDATION

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review expansion at 2007-9 Elliot Avenue South for the CCFUCU located at 907-913 East Franklin Avenue subject to the following conditions:

- 1) Staff review and approval of the final site, landscaping, lighting, and snow storage and removal plans before permits may be issued and construction may begin. All site improvements shall be completed by October 30, 2005 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvements before permits may be issued.
- 3) The curb cut onto Elliot Avenue shall be eliminated from the plan unless allowed by Public Works.
- 4) Provision of one tree along the Elliot Avenue frontage.

Attachments:

1. Statement of proposed use.
2. Site map.
3. Site plan.
4. Photos of the site.

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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Minneapolis, MN 55415-1385
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MEMORANDUM

DATE: November 4, 2004

TO: Blake Graham, Manager, Community Planning & Economic Development -
Planning Division; Phil Schliesman, Licenses

FROM: Neil Anderson, Supervisor, Community Planning & Economic Development -
Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development
Planning Division

SUBJECT: Planning Commission decisions of October 25, 2004

The following actions were taken by the Planning Commission on October 25, 2004. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

ATTENDANCE

President Martin, Vice President Hohmann, G. Johnson, Krause, Krueger, Kummer, LaShomb, MacKenzie and Schiff – 9

INTRODUCTION TO PUBLIC HEARING

PUBLIC HEARING

**REPORT
of the**

**CITY PLANNING COMMISSION
of the City of Minneapolis**

The attached report summarizes the actions taken at the City Planning Commission meeting held on October 25, 2004. The findings and recommendations are respectfully submitted for the consideration of your Committee.

7. City-County Federal Credit Union (BZZ - 1995, Ward 6) 2007 and 2009 Elliot Avenue South (Jim Voll)

A. Site Plan Review: Application by The City-County Federal Credit Union for a site plan review for property located at 2007 and 2009 Elliot Avenue South to allow for an expansion of the parking lot for the credit union at 913 East Franklin.

Action: Notwithstanding staff recommendation, the City Planning Commission **denied** the site plan review expansion at 2007-9 Elliot Avenue South for the CCFCU located at 907-913 East Franklin Avenue.

Staff Jim Voll presented the staff report.

Commissioner Krause: Madame Chair, I actually have a conflicts question. I'm a member of the co-op, that actually makes me an owner of the co-op, so I guess that means I will recuse myself.

President Martin: You'll have to stifle them.

Commissioner Schiff: Mr. Voll, what's the net difference in the parking stalls between the previously approved site plan and this one? I tried to count, but I could have been off. I got a net gain of 3.

Staff Voll: Well, I'll try not to make this too long and bureaucratic, but the church and the credit union share all of this parking, so the church can park anywhere on all of these lots because a church can park on the commercial properties, but the commercial uses can't park on the church lot to the south. So when we're talking about the church, they've got quite a bit of parking available, but when we're talking about the credit union, they're not allowed to park on this part of the church's lot, there's a gate to separate it, that was part of the approval. But when we look at the credit union's lot and the church's lot that is zoned commercial that the credit union can use, the parking that they have is 29 spaces in the credit union spot and then an additional 28 in the church lot. So the credit union has a total of 57 spaces available to them that they can utilize on a daily basis. And they're required to have 24, I believe.

Commissioner Schiff: So, 57 and then with the change, they'd get 3 more because I saw even though the new addition shows 4, they actually in order to get there, you lose a couple more with the relocation of the trash. Do I have that right?

Staff Voll: Well it's 3 or 4. I don't know. I guess you're right; it would depend on where the trash would go.

Commissioner Schiff: OK, thanks.

President Martin: Is there anyone who wishes to speak to item number 7 [opening the public hearing].

Modris Feders (Beutow and Associates, applicant): I'm only up here, depending on how this goes, if you're in acceptance of the proposal, I know the credit union is very much in need of parking. It's always been an issue at all of their facilities. The church has expressed the desire for more parking and maybe to put it in more context, kind of back up to when this was initially before you. I know we presented kind of a master plan for the whole block. This residence that is being proposed to be either moved or removed has been vacant since December of last year. It really takes up the whole lot. So it hasn't been very desirable for the owner as far as renting or anybody wanting to live there because there's no yard space, there's no off-street parking et cetera, et cetera. So our feel is when we talked with the neighborhood group that if this were to go forward, it would be kind of a nice buffer to Franklin back as a transition to the residences to have some open space. It would kind of cure a lot of problems for the immediate people on the block, the church, the credit union, the neighbors and it just kind of makes sense. Right now if you go out there, it looks awkward and as far as it's working, it is very awkward, so hopefully you also realize that too.

President Martin: Anyone else wishing to speak to item number 7? OK, I'll close the public hearing.

Commissioner Schiff: Thank you Madame Chair. Well, it's rare that we have direct trade-off's like this, but I don't want to see parking gobble up the rest of this block and to lose a duplex, two units of housing, in order to gain 3 parking stalls is a bad trade-off. I also think that the extension of the parking here is just too close to the adjacent 2-story house. With a setback to buffer those uses. And these are compact spaces as well as far as I can tell. They're difficult to get in and out of.

President Martin: Not if you have a compact car.

Commissioner Schiff: Indeed not. Or if, I suppose you're parking a motorcycle in them, it's even easier. But given that Public Works won't allow the curb cut, the primary rationale for doing this, the flow of traffic, is not there. And losing 2 housing units for 3 parking stalls, I just think it's a bad precedent. I know churches have tremendous demands for parking a few days a week when they have a full house.

President Martin: But the church isn't asking for it.

Commissioner Schiff: We already have 57 parking stalls here. They only need 28. It's just too much. So I'm going to move denial (G Johnson seconded).

President Martin: Further discussion? OK, the motion that's before us is to deny this request. All those in favor of that motion please signify by saying aye.

The motion carried 7 – 0 (Commissioner Krause abstained).