



## Request for City Council Committee Action from the Department of Community Planning & Economic Development—Planning Division

Date: February 15, 2007

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

**Subject:** Appeal of the decision of the City Planning Commission regarding the proposed Prairie Seeds Academy Located at the Property of 1801 Dupont Ave N

**Recommendation:** The following action was taken by the Planning Commission on November 27, 2006 (BZZ-3308):

**A. Conditional Use Permit:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a conditional use permit to allow a K-12 school at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to allow a K-12 school located at the property of 1801 Dupont Ave N, subject to the following condition:

1. Unloading and loading of children from passenger vehicles in the alley shall be prohibited.

**B. Conditional Use Permit:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 3 stories and 35 feet to 39 feet for property located at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 3 stories and from 35 feet to 39 feet for a K-12 school located at the property of 1801 Dupont Ave N.

**C. Variance:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to increase the maximum floor area ratio from 0.5 to 1.13 for property located at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to increase the maximum floor area ratio from 0.5 to 1.13 for the property located at 1801 Dupont Ave N.

**D. Variance:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the front yard requirement along Dupont Ave N from 22.5 feet to 20 feet to allow a parking area for property located at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **denied** the variance to reduce the front yard requirement along Dupont Ave from 22.5 feet to 20 feet to allow a parking area for the property located at 1801 Dupont Ave N.

**E. Variance:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the rear yard requirement adjacent to the alley from 5 feet to 0 feet to allow a loading area for property located at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the rear yard requirement along the alley from 5 feet to 0 feet to allow a loading area for the property located at 1801 Dupont Ave N.

**F. Variance:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the loading space requirement from 1 to 0 for property located at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the minimum loading requirement from 1 space to 0 spaces for the property located at 1801 Dupont Ave N.

**G. Site Plan Review:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a site plan review for property located at 1801 Dupont Ave N.

**Action:** The City Planning Commission adopted the findings and **approved** the site plan to allow a K-12 school located at the property of 1801 Dupont Ave N, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site, landscape and lighting plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 27, 2007, or the permit may be revoked for non-compliance.
3. The entrance facing Dupont Ave N shall be clearly defined and emphasized through the use of additional architectural features such as roofs or other details that express the importance of the entrance.
4. Additional windows or other architectural elements shall be provided on the exterior gym elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
5. Ten percent of the first and second floor walls of the gym that face the playground and parking area shall contain windows as required by section 530.120 of the zoning code.
6. All required windows shall have a visible light transmittance greater than 0.6 as required by section 530.120 of the zoning code.
7. Vehicular alley access from the parking area shall be prohibited as required by section 530.150 of the zoning code.
8. Screening that complies with section 530.170 of the zoning code shall be provided between the parking area and the street and the adjacent residence.
9. Architectural elements or landscaping with a vertical emphasis shall be provided along the masonry wall adjacent to the playground to prevent graffiti.

**Ward:** 5

Prepared by: Janelle Widmeier, Senior Planner (612-673-3156) Approved by: Jason Wittenberg, Development Services Supervisor Presenters in Committee: Janelle Widmeier, Senior Planner
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**Community Impact**

- Neighborhood Notification: The Near-North neighborhood was notified of the applications.

- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On December 4, 2006, staff sent a letter to the applicant extending the 60 day decision period to no later than March 3, 2007.

### **Supporting Information**

Brian Bushay has filed an appeal of the decision of the City Planning Commission approving the conditional use permits, variances and site plan review applications to allow a new K-8 grade school located at the property of 1801 Dupont Ave N. At its meeting of November 27, 2006, the City Planning Commission voted 6-0 to approve all of the applications, except for one variance. The Commission voted 6-0 to deny the front yard variance to allow a parking area. The appeal (attached) was filed on December 4, 2006.

Revised plans for the Prairie Seeds Academy were submitted by the applicant. The revisions include relocating the play area to the roof above the second floor, enlarging the footprint of the building, and increasing the amount of impervious surface. The increase in impervious surface requires a variance. Therefore, the applicant must return to the Planning Commission to obtain approval of the variance before the plan can be implemented. When this memo was written, the applicant had not submitted a Travel Demand Management Plan or reuse plan for church building at 1800 Dupont Ave N.

**Excerpt from the  
CITY PLANNING COMMISSION  
MINUTES**

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

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**MEMORANDUM**

DATE: December 7, 2006

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

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

SUBJECT: Planning Commission decisions of November 27, 2006

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The following actions were taken by the Planning Commission on November 27, 2006. 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:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Norkus-Crampton, Schiff and Tucker – 7

Not Present: Henry-Blythe (excused), Krueger and Nordyke

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**13. Prairie Seeds Academy K-8 (BZZ-3308, Ward: 5) 1801 Dupont Ave N (Janelle Widmeier).**

**A. Conditional Use Permit:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a conditional use permit to allow a K-12 school at 1801 Dupont Ave N.

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1. Unloading and loading of children from passenger vehicles in the alley shall be prohibited.

**B. Conditional Use Permit:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a conditional use permit to increase the maximum allowed height of a building from 2.5 stories to 3 stories and 35 feet to 39 feet for property located at 1801 Dupont Ave N.

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**Action:** The City Planning Commission adopted the findings and **approved** the variance to reduce the rear yard requirement along the alley from 5 feet to 0 feet to allow a loading area for the property located at 1801 Dupont Ave N.

**F. Variance:** Application by Ger Cha Yang, on behalf of PSA Building Company, for a variance to reduce the loading space requirement from 1 to 0 for property located at 1801 Dupont Ave N.

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**Action:** The City Planning Commission adopted the findings and **approved** the site plan to allow a K-12 school located at the property of 1801 Dupont Ave N, subject to the following conditions:

10. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site, landscape and lighting plans.
11. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 27, 2007, or the permit may be revoked for non-compliance.
12. The entrance facing Dupont Ave N shall be clearly defined and emphasized through the use of additional architectural features such as roofs or other details that express the importance of the entrance.
13. Additional windows or other architectural elements shall be provided on the exterior gym elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.

14. Ten percent of the first and second floor walls of the gym that face the playground and parking area shall contain windows as required by section 530.120 of the zoning code.
15. All required windows shall have a visible light transmittance greater than 0.6 as required by section 530.120 of the zoning code.
16. Vehicular alley access from the parking area shall be prohibited as required by section 530.150 of the zoning code.
17. Screening that complies with section 530.170 of the zoning code shall be provided between the parking area and the street and the adjacent residence.
18. Architectural elements or landscaping with a vertical emphasis shall be provided along the masonry wall adjacent to the playground to prevent graffiti.

Staff Widmeier presented the staff report.

President Motzenbecker: Which of the site plans is the correct one? The one we've been referring to is dated earlier than the other one in our packet which is dated later, which removes the play area, and we just had a question as to which one is the one we're talking about.

Staff Widmeier: This is the one we're talking about, the one that's on the screen. Which ones are different?

Commissioner El-Hindi: The landscaping plan...

President Motzenbecker: L1.01 that's dated 10-23-06 which shows the building as a large square with no play area. The other following that, the preliminary site plan, the grading plan... all show a square building without...

Staff Widmeier: I did receive some revised plans. This is the one that is applicable.

President Motzenbecker: Even though it's dated earlier than the other ones?

Staff Widmeier: Yes.

Commissioner Tucker: Could you talk about the Floor Area Ratio? The variance is like 126%, is this unusual?

Staff Widmeier: In this case it's in an R2B district so the regulations are a little stricter. I guess I didn't compare it to other districts, but I do believe higher FAR is allowed. I guess I haven't compared it with other projects.

Commissioner Tucker: Is there any limit on the percentage of variance?

Staff Widmeier: There is not, no.

President Motzenbecker: Can you talk a little about conditions four and five? With a program space and a gym it's difficult to add windows. We had a previous application, the Cristo Ray High School which we worked with them to do some clear story windows which I know they have here and maybe do some architectural elements.

Staff Widmeier: There are some examples of other schools where they have put windows in the gymnasium. I'm blanking on the names at the moment. The one I'm thinking of though is down in south Minneapolis. I can't think of the street. It might be Fulton.

Commissioner El-Hindi: Lake Harriet Community School?

Staff Widmeier: I'm not sure that's the one. It has been done before. There are a couple of examples in the city.

Commissioner Norkus-Crampton: I can't tell from this drawing. I'm assuming there's some kind of fence between the play area and the parking lot, is there also a green buffer there or can you describe to me what that transition looks like.

Staff Widmeier: Between the play area and the parking lot there is a walkway. It's a fence that is made of aluminum.

Commissioner Norkus-Crampton: It's a chain link fence type of thing?

Staff Widmeier: It's probably something that looks like wrought iron.

President Motzenbecker opened the public hearing.

Ger Cha Yang (applicant) [not on sign-in sheet]: I'm the principal of this K-8 school. We are currently located at 2201 Girard Ave N. We are an overgrown facility and we'd like to propose to build this new site so I will introduce Deb who is our architect and designer.

Commissioner Schiff: Since the planning staff is recommending approval, just stick to the one application you're recommended a denial for. We don't need to rehash the whole project.

Deborah Rathman [not on sign-in sheet]: We can easily work within the denial of shifting that parking over so that's not a detriment.

President Motzenbecker: Are you amenable to all the conditions that the staff has offered?

Deborah Rathman: We are amenable to all the conditions and we are willing to work with PED and NRRC to come up with a design because I think we've heard that they have some concerns with making sure it's compatible with the neighborhood. We're more than interested in working with them to make sure it fits into the neighborhood.

Louise Vossberg (1723 Bryant Ave N): I am employed by the Church of Ascension which is the church and school that occupies all of 17<sup>th</sup> to 18<sup>th</sup> Avenue between Bryant and Dupont. Our concern with this proposal has been that at times there has been some blank spaces. I know originally there was no playground. We were told they didn't need a playground. We have a school with 300 children in it right now. I don't know about the size of the playground that they're putting in. Our other concern is parking. This property is being sold as a unit. The church goes with the parking lot. That parking lot enables you to use that church. Without that parking lot you cannot use that church. When we have questioned them about what they are going to do with the church they have no plans at this time. In the wintertime, because we are close in the city, most of the time there is street parking. At any given time, with snow, only one car can go down those streets. You're going to put busses on Dupont Avenue, 400 children, and let's just say they have six busses so they're going to be coming from 18<sup>th</sup> Avenue, halfway up the street. Where are the parents going to park that are going to be dropping off their children? The parking lot is reserved for the teachers. They said they need 25 parking spaces for teachers. It is going to cause congestion on Dupont Avenue. We had moved the busses into the parking lot. We still use some on Dupont Avenue, but no parents are allowed to pick up out there. It's pick-up with kids and 400 kids coming out of a building. One entrance into and out of that parking lot is also a concern.

President Motzenbecker: Can you summarize for us, please?

Louise Vossberg: Sure. It's about the use of the space and what they're trying to put in this little space and the parking and safety issues that go with that. One loading zone, if they're bringing a semi in there, that's as mighty narrow alley to take a semi down.

Brian Bushay (1715 Emerson Ave): I'm the chair of the Northside Residents Redevelopment Council's residential commercial taskforce that reviewed this under citizen review. NRRC would ask you to deny all of these applications for variances.

President Motzenbecker: We do have your letter.

Brian Bushay: They came to our meeting. The quality of their elevations and other drawings are very poor. Their answers were inconsistent. This is a very large building to go into a residential area. There's a concern that this large building and the Ascension are going to have kind of a tunnel effect. The 1800 block of Bryant is a problem block. There have been a couple of murders just off Broadway. Further isolating that block is a concern, but our biggest concern is that if we have to put up with this building we want it to be a high quality design. With what we were presented, there are no assurances that it's what we're going to get. If you look at the elevations in your packet, I challenge you to tell me if that's a school or a prison from what you see.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move the staff recommendation for the CUP K-12 school with one condition (Huynh seconded).

Commissioner Schiff: I am sad to read the neighborhood's letter and to hear about bad communication between the school and the neighborhood. We have high quality drawings here and perhaps those weren't shared with the neighborhood. It certainly doesn't look like a prison in my estimation, but we're going to get to some design elements later on. I just want to make it clear to the neighborhood that with the zoning that's here today, this is a legal use on the site. We're not rezoning it to allow something that otherwise would not be allowed. We are recommending denial on the one variance that is being sought. Other than that it's pretty much a straightforward application by the book and hopefully communication can improve between the school and the neighbors in the future because they certainly are compatible uses in most neighborhoods.

Commissioner El-Hindi: In regards to the materials for the building, there is no indication in our drawings for what the materials are on this building.

Deborah Rothman: The materials will be bring to match brick that is used like on the church across the street or Ascension. What would you would typically see as curtain wall system or a typical window system.

Commissioner El-Hindi: So it's brick on all four sides?

Deborah Rothman: It's all brick and then it may have multi-colored to break up some of the massing.

President Motzenbecker: We have a CUP moved and seconded. Any further discussion? All in favor? Opposed?

The motion carried 6-0.

Commissioner Tucker: I will move the CUP for the height of the building from 2.5 to 3 (Huynh seconded).

President Motzenbecker: Any further discussion? All in favor? Opposed?

The motion carried 6-0.

Commissioner Tucker: I will move item C, the variance for the Floor Area Ratio from .5 to 1.13 even though I am usually against big variances and FARs. This one is starting so low I think we can work with it (El-Hindi seconded).

President Motzenbecker: Any further discussion? All in favor? Opposed?

The motion carried 6-0.

Commissioner Tucker: I will move staff recommendation on item D, the variance for the front yard setback, to deny it (El-Hindi seconded).

President Motzenbecker: Any further discussion? All in favor? Opposed?

The motion carried 6-0.

Commissioner Tucker: I will move staff recommendation on variance E and F (Motzenbecker seconded).

President Motzenbecker: Any further discussion? All in favor? Opposed?

The motion carried 6-0.

Commissioner Tucker: I will move the site plan review and the nine conditions recommended by staff (Huynh seconded).

President Motzenbecker: Any further discussion? All in favor? Opposed?

The motion carried 6-0.

Commissioner Schiff: I ask that the applicant submit color elevations since it's not clear what they meant by that to submit those to the staff so the staff can share that with the neighborhood.

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

Conditional Use Permits, Variances & Site Plan Review

BZZ-3308

**Date:** November 27, 2006

**Applicant:** PSA Building Company

**Address of Property:** 1801 Dupont Avenue North

**Project Name:** Prairie Seeds Academy K-8

**Contact Person and Phone:** Ger Cha Yang, (612) 702-8802

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

**Date Application Deemed Complete:** November 3, 2006

**End of 60-Day Decision Period:** January 2, 2007

**Ward:** 5      **Neighborhood Organization:** **NRRC**

**Existing Zoning:** R2B Two-Family District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 8

**Legal Description:** Not applicable for this application

**Proposed Use:** Grade school serving K-8 students

**Concurrent Review:**

**Conditional Use Permit** to allow a K-12 school.

**Conditional Use Permit** to increase the maximum allowed height of a building from 2.5 stories to 3 stories and from 35 feet to 39 feet.

**Variance** to increase the maximum floor area ratio from 0.5 to 1.13.

**Variance** to reduce the front yard requirement along Dupont Avenue North from 22.5 feet to 20 feet to allow a parking area.

**Variance** to reduce the rear yard requirement adjacent to the alley from 5 feet to 0 feet to allow a loading area.

**Variance** to reduce the minimum loading space requirement from 1 to 0.

**Site plan review.**

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, Section 525.520(1) "To vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations.", Section 525.520(3) "To vary the gross floor area of a structure or use.", Section 525.520(6) "To reduce the applicable off-street loading requirements by one space..."; and Chapter 530, Site Plan Review.

**Background:** Ger Cha Yang, on behalf of PSA Building Company, is proposing to establish a grade school at the property of 1801 Dupont Avenue North. The school will serve up to 400 students in grades K-8. The site is located on the northwest corner of Dupont Avenue and 18<sup>th</sup> Avenue North one block south of West Broadway Avenue. A 3-story building, playground and surface parking lot with 28 spaces are proposed.

The site is currently occupied by a surface parking lot. This lot was used to satisfy the parking requirement for the property of 1800 Dupont Avenue North. Up until recently, it was used as a place of assembly. The applicant has purchased both properties. By developing the property of 1801 Dupont Avenue for a school, the property of 1800 Dupont Avenue will become nonconforming as to its parking requirement. A variance to reduce the parking requirement and/or a shared parking agreement as allowed by the zoning must be obtained. The applicant has indicated that they have not determined how the property of 1800 Dupont Avenue will be used in the future.

In the R2B district, a conditional use permit is required to allow a school, grades K-12. A site plan review is required for any new construction exceeding 1,000 square feet in area.

The maximum allowed height in the R2B district is 2.5 stories or 35 feet, whichever is less. The proposed building would have 3 stories. The height measured at the sidewalk grade to the highest point of the building would be 39 feet in height. A conditional use permit to increase the height in stories and feet is requested by the applicant.

The maximum FAR allowed in the R2B District is 0.5. The lot area is 34,071 square feet. The building would have a total of 38,600 square feet, which is a FAR of 1.13. The applicant is requesting a variance to increase the maximum floor area ratio.

A front yard is required along Dupont Avenue North. The minimum front yard requirement in the R2B district is 20 feet or the established setback, whichever is greater. The established setback of the residence to the north is 22.5 feet. The parking lot would be setback 20 feet. The applicant is requesting a variance to reduce the front yard requirement to allow the parking area.

A rear yard is required along the alley. A minimum 5 foot wide yard is required between an obstruction, except a fence, and the rear lot line. A loading area would encroach into the rear yard. The applicant has requested a variance to reduce the yard to 0 feet to allow the loading area.

The minimum loading requirement for the school is one small loading space. A small loading space must be at least 10 feet wide by 25 feet deep. A loading area would be provided; however, it would not meet the minimum size requirement. A variance is requested to reduce the loading requirement.

As of the writing of this 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.

## **Findings as required by the Minneapolis Zoning Code:**

**CONDITIONAL USE PERMIT:** to allow a K-12 school.

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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 grade school 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. A loading area is proposed between the building and the alley. The site plans indicate that the loading area would also be used for parents to drop-off and pick-up their children. The width of the loading area is only 9 feet. An entrance is not located on this side of the building. There are safety concerns with allowing children in the alley. Staff is recommending that loading and unloading of children from passenger vehicles be prohibited in the alley.

**2. 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.**

The surrounding area is fully developed. As proposed, the parking lot would have access from Dupont Avenue and the alley. There are other residences on the block that also use the alley. Vehicular alley access to the parking lot may cause or increase nonresidential conflicts with the residential traffic. Access from only Dupont Avenue should be sufficient. Staff is recommending that vehicular alley access be prohibited as part of the site plan review.

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

Utilities and access roads are existing and adequate. The parking area would be accessed from Dupont Avenue. A drainage plan will also be reviewed by Public Works at the final site plan stage.

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

All required parking would be provided on-site. The applicant has indicated that most of the children would arrive by bus. Buses would load and unload on Dupont Avenue. Although not required by the zoning code, the Traffic Division of the Public Works Department has required the applicant to complete a Travel Demand Management Plan (TDMP). As of the writing of this staff report, a TDMP was not submitted. If major changes are required to the site plan as a result of the TDMP, an amendment to the conditional use permit and site plan review may be required.

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

The following policies of *The Minneapolis Plan* apply to this proposal:

**9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.**

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

With the suggested conditions of approval the proposed school should be in conformance with these goals of *The Minneapolis 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 K-12 school will conform to the applicable regulations of the districts in which it is located upon the approval of the conditional use permits, variances, and site plan review.

**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 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 surrounding area is fully developed. Residences are located north of the site and south of the site across 18<sup>th</sup> Avenue North. Nonresidential buildings are located across Dupont Avenue North and the alley from the site. The building would comply with minimum yard requirements. A parking lot would separate the building from the residence to the north. 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. The final plan must indicate all drainage patterns, including roof drains.

**4. Adequate measures have not been or will not be provided to minimize traffic congestion in the public streets.**

All required parking would be provided on-site. The applicant has indicated that most of the children would arrive by bus. Buses would load and unload on Dupont Avenue. Although not required by the zoning code, the Traffic Division of the Public Works Department has required the applicant to complete a Travel Demand Management Plan (TDMP). As of the writing of this staff report, a TDMP was not submitted. If major changes are required to the site plan as a result of the TDMP, an amendment to the conditional use permit for the school and site plan review may be required. The proposed height should have little impact on congestion in the streets.

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

The following principle and polices of *The Minneapolis Plan* apply to this proposal:

**9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.**

**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:* Residences are located north of the site and south of the site across 18<sup>th</sup> Avenue North. Nonresidential buildings are located across Dupont

Avenue North and the alley from the site. The building would comply with minimum yard requirements. A parking lot would separate the building from the residence to the north. The building should have little effect on light, privacy, views and should not negatively impact the pedestrian experience at the street level. The scale of the proposed building is comparable to other nonresidential structures in the immediate area on Dupont Avenue North. The proposed height should 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 permits, variances, and site plan review.

## **ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

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

Residences are located north of the site and south of the site across 18<sup>th</sup> Avenue North. Nonresidential buildings are located across Dupont Avenue North and the alley from the site. The building placement would comply with minimum yard requirements. A parking lot would separate the building from the residence to the north. It 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. Residences are located north of the site and south of the site across 18<sup>th</sup> Avenue North. Nonresidential buildings are located across Dupont Avenue North and the alley from the site. The building would comply with minimum yard requirements. A parking lot would separate the building from the residence to the north. The shadowing affects should not be significant.

**(3) The scale and character of surrounding uses.**

The height of residential structures in the immediate area is typically two stories. There are several nonresidential structures in the immediate area as well. The commercial building across the alley from the site is one story. The nonresidential structures, including a church and a school, on the east side of Dupont Avenue have two to three floors and are greater than 35 feet in height. The building would not be out of 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, significant open spaces, or bodies of water.

**VARIANCES:** **1)** to increase the maximum floor area ratio from 0.5 to 1.13; **2)** to reduce the front yard requirement along Dupont Avenue North from 22.5 feet to 20 feet to allow a parking area; **3)** to reduce the rear yard requirement adjacent to the alley from 5 feet to 0 feet to allow a loading area; and **4)** to reduce the loading requirement from 1 to 0.

**Findings as required by the Minneapolis Zoning Code:**

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

*FAR:* The maximum FAR allowed for a school in the R2B District is 0.5. The lot area is 34,071 square feet. The building would have a total of 38,600 square feet, which is a FAR of 1.13. The building would comply with all minimum yard and parking requirements. The proposed size of the building is a reasonable use of the property.

*Front yard:* A front yard is required along Dupont Avenue North. The minimum front yard requirement in the R2B district is 20 feet or the established setback, whichever is greater. The established setback of the residence to the north is 22.5 feet. The parking lot would be setback 20 feet. The minimum parking requirement is 29 spaces. Twenty-eight vehicle spaces are proposed and 6 bicycle spaces are provided in lieu of the last parking space. It is possible to provide 28 spaces, including the two accessible spaces and no more than 7 compact spaces, in the lot without requiring the variance.

Rear Yard and Loading: A loading area is proposed between the building and the alley. A minimum 5 foot rear yard is required along the alley. Loading areas are not a permitted obstruction. The minimum loading requirement for the school is one small loading space. A small loading space must be at least 10 feet wide by 25 feet deep. A loading area would be provided; however, it would not meet the minimum size requirement. Because the minimum size requirement is not met and cannot be varied, a variance to reduce the number of spaces must be requested. There is not excess area in the proposed parking area that would accommodate the required loading space size. Staff believes the request 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.**

FAR: The immediate area is fully developed including residences, retail sales and services uses, a place of assembly and a school. The site also has close proximity to West Broadway Avenue. Although these circumstances are not unique to the property, the variance request is characteristic of the density of the area.

Front yard: The subject property is an average sized, rectangular parcel. There is no rugged terrain or other physical conditions that constrain the property. The yard requirements apply because of the adjacent residential property. There are other commercial properties in the area that abut residential properties. There are not any unique circumstances to this property.

Rear Yard and Loading: The immediate area is fully developed including residences, retail sales and services uses, a place of assembly and a school. The site also has close proximity to West Broadway Avenue. A loading area could be provided in the parking area. Because staff is recommending that planning commission prohibit vehicle access to the alley, all maneuvering would need to occur on-site. This would likely result in a larger parking area to accommodate the turning movements of a delivery truck. Although these circumstances are not unique to the property, requiring delivery vehicles to maneuver within the site without alley access would restrict use of the property. Reducing the rear yard requirement to allow a loading area would result in a better use of the property.

- 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.**

FAR: Building bulk regulations are established in order to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area. The immediate area is fully developed including residences, retail sales and services uses, a place of assembly and a school. The nonresidential structures east of Dupont Avenue are larger in scale. The variance would be in keeping with the intent of the ordinance and should have little effect on the character of the area.

Front yard: 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. The intent of the established front yard requirement is to maintain a consistent setback on a block. The parking would project 2.5 feet into the yard. It would likely have little effect on the adjacent property.

Rear yard and Loading: 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. Loading regulations are established to provide for the loading needs of uses and structures, to enhance the compatibility between loading areas and their surroundings, and to regulate the number, design, maintenance, use and location of required off-street loading spaces and the driveways and aisles that provide access and maneuvering space. The rear yard is adjacent to the alley. A commercial building is located directly on the other side of the alley. The applicant expects that less than 5 deliveries would be made each week. Staff believes the proposed loading space would be sufficient for the loading needs of the building and should not negatively affect 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.**

FAR: The minimum number of required parking spaces would be provided on-site. The proposal should not increase the congestion in the streets and should not affect public safety.

Front yard: The proposal should not increase the congestion in the streets and should not affect public safety.

Loading: A loading area would be provided on-site with access to the alley. The CPED Department does not expect that granting the variance would affect congestion or 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 the 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. 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.
- 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 reinforce the street wall along Dupont and 18th Avenues. Abundant windows would be provided on all elevations facing a street or parking area to provide natural surveillance and visibility with the exception of where the gym would be located. Pedestrian walkways would connect the public sidewalks and parking area to the building entrances.

The building would be set back 22.5 feet from Dupont Avenue North and 12 feet from 18<sup>th</sup> Avenue North as per the minimum yard requirements for the R2B district.

Landscaping would be provided between the building and the lot lines adjacent to the streets.

A principal entrance would face Dupont Avenue.

A surface parking area would be located north of the building to the interior of the site.

The building would include sufficient architectural detail and large amounts of windows to avoid large blank walls on all sides with the exception of where the gym would be located. The gym is adjacent to three exterior walls (south, west, and north elevations) and is 2 stories tall. These walls generally lack windows, entries, recesses or projections or other architectural elements and are blank and uninterrupted for more than 25 feet in length. Staff recommends requiring the applicant to eliminate 25 foot or longer elevations without windows or architectural features.

The building is divided into identifiable sections through small recesses and projections and large expanses of windows.

The primary exterior materials would be brick and glass.

All sides of the building would be compatible.

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

A principal entrance would face the parking lot. Its importance is emphasized with windows and a large canopy. A principal entrance would also face Dupont Avenue. It is surrounded by windows; however, it lacks features that express the importance of the entrance. Staff is recommending that this entrance be clearly defined and emphasized through the use of architectural features such as roofs or other details that further express the importance of the entrance.

The walls on the east, north and south elevations are subject to the minimum window requirements because they would face a street or the parking area. All of the walls would exceed the minimum requirements except on the north elevation adjacent to the gym. The gym occupies two levels. On the first floor, 30 percent (149 square feet) of the wall must be windows. On the second floor, 10 percent (50 square feet) of the wall must contain windows. The first and second floor walls would contain no windows. The wall is set back 44 feet from the parking area to allow room for a playground. The wall closer to the parking lot would contain an amount of windows exceeding the minimum requirements. Also, the west elevation facing the playground would contain a large amount of windows to allow surveillance of the play area. Although large amounts of windows are provided elsewhere on the building, providing windows would break up a blank façade and would become more compliant towards other site plan review requirements. Staff is recommending that the second floor wall that faces the playground and parking area contain windows and that alternative compliance not be granted. Some reduction is warranted on the first floor because the wall is set back from the parking area and a large amount of windows would be provided on the west elevation to allow surveillance of the playground. Staff is recommending that 10 percent of the first floor wall that faces the playground and parking area contain windows.

All windows would be distributed more or less in an even manner. The proposed visible light transmittance of the windows has not been provided. All required windows must have a visible light transmittance greater than 0.6.

A flat roof is proposed. Many of the nonresidential buildings in the area also have flat 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:***

All building entrances and parking facilities are connected to the public sidewalks with walkways that would be four feet in width.

There are no transit shelters on or immediately adjacent to the site.

As proposed, the parking lot would have access from Dupont Avenue and the alley. There are five residences on the block that also use the alley. Seven commercial properties adjacent to West Broadway Avenue also use the alley. The commercial building across the alley from the subject site does not have access to the alley. Vehicular alley access to the parking lot may cause or increase nonresidential conflicts with the residential traffic. Access from only Dupont Avenue should be sufficient. The trash containers and enclosure are proposed to be located in the parking area. The enclosure could be accessed from the alley if the gates are oriented to the alley. Please note, the enclosure can not encroach into the rear yard. If access to the alley is restricted, the proposed vehicle circulation and access should have minimal impacts on pedestrians and residences. Staff does not believe alternative compliance is warranted and is recommending that vehicular alley access be prohibited.

The loading area would also be accessed from the alley. The applicant has indicated that less than five deliveries would occur each week. The site plans indicate that the loading area would also be used for parents to drop-off and pick-up their children. The width of the loading area is only 9 feet. An entrance is not located on this side of the building. There are safety concerns with allowing children in the alley. This practice would increase traffic in the alley as well. Staff is recommending that loading and unloading of children from passenger vehicles be prohibited from the alley. Access to the loading area from the alley for deliveries should have little effect on the surrounding properties. Staff is recommending that commission grant alternative compliance.

The parking and loading area would maximize the use of the impervious surface proposed.

#### **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.

***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 approximately 34,071 square feet. The building footprint would be approximately 15,040 square feet. The lot area minus the building footprint therefore consists of approximately 19,031 square feet. At least 20 percent of the net site area (3,806 square feet) must be landscaped. Approximately 7,087 square feet of the site would be landscaped. That is equal to 37.2 percent of the net lot area.

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 8 and 38 respectfully. The applicant would provide 19 trees and 44 shrubs.

The surface parking area is adjacent to Dupont Avenue, therefore a landscaped yard is required. The minimum yard requirement is 22.5 feet. A 20-foot yard is proposed. The applicant has requested a variance to allow the parking area to encroach into the required front yard. Staff is recommending denial of the variance.

Between the surface parking area and the street, screening that is three feet tall and no less than 60 percent opaque is also required. The applicant has proposed a type of shrub that would exceed the height requirement. The shrub growth would also conflict with the growth of the proposed trees. A type of shrub(s) could be provided that allow views into and out of the parking area from the street and complies with the height requirement. Staff does not believe alternative compliance is warranted.

A 7 foot landscaped yard is required between the residence to the north and the parking area. A 5 foot wide yard is proposed. Screening that is 6 feet in height and 95 percent opaque is also required between the parking area and the adjacent residential property. The applicant is proposing to keep a 6 foot high chain link fence that is located along the north property line. Also, four deciduous

trees are proposed on the fence line. No screening is proposed. If the parking lot were reduced in size, the parking spaces or drive aisle would become nonconforming. If applicant provides screening that meets these code requirements, staff believes alternative compliance is warranted and should be granted to allow a 5 foot wide yard.

Along Dupont Avenue, 2 trees are required to be spaced every 25 feet. Trees would be provided to meet this requirement.

The corners in the parking lot would be landscaped.

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

All other areas that are not already covered by the landscaping requirements, the building or parking areas would be covered by grass, perennials or mulch.

Installation and maintenance of all landscape materials are required to comply with the standards outlined in section 530.210.

#### **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:***

Along the perimeter of the parking lot, 6-inch by 6-inch continuous concrete curbing is proposed.

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

The applicants did not submit a shadow study as part of this application. Residences are located north of the site and south of the site across 18<sup>th</sup> Avenue North. Nonresidential buildings are located across Dupont Avenue North and the alley from the site. The building would comply with minimum yard requirements. A parking lot would separate the building from the residence to the north. The shadowing affects should not be significant.

Wind currents should not be major concern.

Most of the site design provides natural surveillance and visibility, controls and guides to movement on the site, and distinguishes between public and non-public spaces. The building would include large amounts of windows to avoid large blank walls on all sides with the exception of where the gym would be located. The gym is adjacent to three exterior walls (south, west, and north elevations) and is 2 stories tall. These walls generally lack windows, entries, recesses or projections or other architectural elements and are blank and uninterrupted for more than 25 feet in length. A masonry wall approximately 40 feet in length would run parallel to the alley and would be adjacent to the playground. Staff is also concerned that the blank walls on the first floor and masonry wall would attract graffiti. Additional windows or architectural features and vertical landscaping should be provided to provide natural surveillance, graffiti prevention and to break up a blank façade on the building and masonry wall. Along the streets, the proposed landscaping should follow the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site.

**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:** The site is zoned R2B. In the R2B district, a K-12 school is a conditional use.

**Parking and Loading:** The minimum parking requirement for a school is one space per classroom and other rooms used by students and faculty plus one space per five students of legal driving age based on the maximum number of students attending classes at any one time. A total of 29 rooms are proposed and no students would be of driving age, therefore the minimum parking requirement is 29 spaces. The applicant is proposing to provide 28 surface parking spaces. The applicant is also providing 6 bicycle spaces. The zoning code allows 4 bicycle spaces to be provided in lieu of one vehicle parking space for each use proposed. The number of bicycle spaces proposed is therefore in lieu of 1 vehicle space.

The minimum loading requirement for the school would be one small loading space. A small loading space must be at least 10 feet wide by 25 feet deep. A loading area would be provided; however, it would not meet the minimum size requirement. A variance is requested to reduce the loading requirement. Staff is recommending approval of the variance.

**Signs:** The applicant has indicated that any new signage would comply with the zoning code requirements. All signage will require Zoning Office review, approval, and permits.

**Maximum Floor Area:** The maximum FAR allowed in the R2B District is 0.5. The lot area is 34,071 square feet. The building would have a total of 38,600 square feet, which is an FAR of 1.13. The applicant is requesting a variance to increase the maximum floor area ratio. Staff is recommending approval of the variance.

**Minimum Lot Width and Area:** The minimum lot size requirement for a K-12 school in the R2B district is 20,000 square feet. The minimum lot width requirement is 100 feet. The lot area is 34,071 square feet and the width is 220 feet.

**Building Height:** The maximum height allowed in the R2B district is 2.5 stories or 35 feet, whichever is less. The proposed building would have 3 stories. The height measured at the sidewalk grade to the highest point of the building would be 39 feet in height. A conditional use permit to increase the height in stories and feet is requested by the applicant.

**Yard Requirements:** A front yard is required along Dupont Avenue North. The minimum front yard requirement in the R2B district is 20 feet or the established setback, whichever is greater. The established setback of the residence to the north is 22.5 feet. The building would be set back 22.5 feet from the front property line. The parking lot would be setback 20 feet. The applicant is requesting a variance to reduce the front yard requirement to allow the parking area.

A corner side yard is required along 18<sup>th</sup> Avenue North. The minimum corner side yard requirement is equal to 8 feet for the first story plus 2 feet for each additional story above the first. A 3-story building is proposed, therefore the

minimum corner side yard requirement is 12 feet. The building would be set back 12 feet from the corner side lot line.

An interior side yard is required along the north property line. The required interior side yard for a building is equal to 5 feet for the first story plus 2 feet for each additional story above the first. A 3-story building is proposed, therefore the minimum interior side yard requirement is 9 feet. The building would be located more than 9 feet from the interior side lot line. A five foot interior side yard is required between an obstruction, such as a parking lot, and the interior side lot line. A fence or retaining wall is an exception to this requirement. The parking area would meet this requirement.

A rear yard is required along the alley. Like the interior side yard, the minimum rear yard requirement is 9 feet for the building and 5 feet for an obstruction. The building would be located 9 feet from the rear lot line and the parking area would be located 5 feet away. A loading area would encroach into the rear yard. The applicant has requested a variance to reduce the yard to 0 feet to allow the loading area.

**Maximum Lot Coverage:** The maximum allowed lot coverage in the R2B district is 60 percent. The lot area is 34,071 square feet. The building would occupy 15,784 square feet, 46.3 percent, of the site.

**Maximum Impervious Surface:** The maximum allowed impervious surface coverage in the R2B district is 75 percent. The lot area is 34,071 square feet. The amount of impervious surface proposed is 25,434 square feet, which is 74.7 percent of the lot area.

**Specific Development Standards:** Chapter 536, Specific Development Standards, requires the following for a K-12 school:

- 1) The use shall include a regular course of study accredited by the State of Minnesota.
- 2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- 3) An appropriate transition area between the facility and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

With the recommended conditions of approval, the building and site would be compatible with the surrounding properties.

**Hours of Operation:** In the R2B District, uses may be open to the public during the following hours: Sunday through Thursday from 7:00 a.m. to 10:00 p.m.;

Friday and Saturday from 7:00 a.m. to 11:00 p.m. The applicant has indicated that the proposed hours of operation would be 8:00 a.m. to 4:00 p.m.

**Refuse screening:** Refuse storage containers are required to be effectively screened from the street and residences by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse would be stored in a trash enclosure on the north of the proposed building. The applicant has indicated that the enclosure would be constructed of brick with wood gates.

**Screening of mechanical equipment:** The applicant has indicated that mechanical equipment would be located within the building.

**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) 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.

**MINNEAPOLIS PLAN:** In addition to the principles and policies discussed in the conditional use permit sections of this staff report, the following apply to this proposal:

**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.

**9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.**

**Applicable Implementation Steps**

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

Require screening and buffering for new developments next to residential areas.

Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

*Staff comment:* The principal structure would comply with all yard requirements. The scale of the proposed building is comparable to other nonresidential structures in the immediate area on Dupont Avenue North. The proposed parking area would also comply with yard requirements except the front yard where a variance is requested. Staff is recommending that the variance be denied because the required amount of parking can be provided without varying the size of the front yard. The parking area would be located at the interior of the site. It would also be adjacent to a residential property to the north of the site. A 5-foot landscaped yard would be provided along the north property line. However, no screening is proposed. Staff is recommending that the applicant provide screening 6 feet in height and 95 percent opaque between the parking area and the residential property. With the implementation of the staff recommendations, the proposal would be consistent with the policies of the comprehensive 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.

Alternative compliance is requested by the applicant to meet the following standards:

- Blank, uninterrupted walls exceeding 25 feet in length

The building would include sufficient architectural detail and large amounts of windows to avoid large blank walls on all sides with the exception of where the gym would be located. The gym is adjacent to three exterior walls (south, west, and north elevations) and is 2 stories tall. These walls generally lack windows, entries, recesses or projections or other architectural elements and are blank and uninterrupted for more than 25 feet in length. Staff recommends requiring the applicant to eliminate 25 foot or longer elevations without windows or architectural features. Staff is also concerned that the blank walls on the first floor would attract graffiti. It is feasible to provide more architectural details or windows and should be provided. For these reasons, alternative compliance is not warranted and should not be granted. Staff is recommending that this requirement is required for all elevations.

- Clearly defined principal entrances

A principal entrance would also face Dupont Avenue. It is surrounded by windows; however, it lacks features that express the importance of the entrance. Staff is recommending that this entrance be clearly defined and emphasized through the use of architectural features such as roofs or other details that further express the importance of the entrance.

- Minimum window requirements

The walls on the on the north elevation adjacent to the gym would not meet the minimum window requirements. The gym occupies two levels. On the first floor, 30 percent (149 square feet) of the wall must be windows. On the

second floor, 10 percent (50 square feet) of the wall must contain windows. The first and second floor walls would contain no windows. The wall is set back 44 feet from the parking area to allow room for a playground. The wall closer to the parking lot would contain an amount of windows exceeding the minimum requirements. Also, the west elevation facing the playground would contain a large amount of windows to allow surveillance of the play area. Although large amounts of windows are provided elsewhere on the building, providing windows would break up a blank façade and would become more compliant towards other site plan review requirements. Staff is recommending that the second floor wall that faces the playground and parking area contain windows and that alternative compliance not be granted. Some reduction is warranted on the first floor because the wall is set back from the parking area and a large amount of windows would be provided on the west elevation to allow surveillance of the playground. Staff is recommending that 10 percent of the first floor wall that faces the playground and parking area contain windows.

- Vehicular alley access

As proposed, the parking lot would have access from Dupont Avenue and the alley. There are five residences on the block that also use the alley. Seven commercial properties adjacent to West Broadway Avenue also use the alley. The commercial building across the alley from the subject site does not have access to the alley. Vehicular alley access to the parking lot may cause or increase nonresidential conflicts with the residential traffic. Access from only Dupont Avenue should be sufficient. The trash containers and enclosure are proposed to be located in the parking area. The enclosure could be accessed from the alley if the gates are oriented to the alley. Please note, the enclosure can not encroach into the rear yard. If access to the alley is restricted, the proposed vehicle circulation and access should have minimal impacts on pedestrians and residences. Staff does not believe alternative compliance is warranted and is recommending that vehicular alley access be prohibited.

The loading area would also be accessed from the alley. The applicant has indicated that less than five deliveries would occur each week. The site plans indicate that the loading area would also be used for parents to drop-off and pick-up their children. The width of the loading area is only 9 feet. An entrance is not located on this side of the building. There are safety concerns with allowing children in the alley. This practice would increase traffic in the alley as well. Staff is recommending that loading and unloading of children from passenger vehicles be prohibited in the alley. Access to the loading area from the alley for deliveries should have little effect on the surrounding properties. Staff is recommending that commission grant alternative compliance.

- Screening between the parking area and the street

Between the surface parking area and the street, screening that is three feet tall and no less than 60 percent opaque is also required. The applicant has proposed a type of shrub that would exceed the height requirement. The shrub growth would also conflict with the growth of the proposed trees. A type of shrub(s) should be provided that allow views into and out of the parking area from the street and complies with the height requirement. Staff does not believe alternative compliance is warranted.

- Screening and landscaped yard between the parking area and the adjacent residence

A 7 foot landscaped yard is required between the residence to the north and the parking area. A 5 foot wide yard is proposed. Screening that is 6 feet in height and 95 percent opaque is also required between the parking area and the adjacent residential property. The applicant is proposing to keep a 6 foot high chain link fence that is located along the north property line. Also, four deciduous trees are proposed on the fence line. No screening is proposed. If the parking lot were reduced in size, the parking spaces or drive aisle would become nonconforming. If applicant provides screening that meets these code requirements, staff believes alternative compliance is warranted and should be granted to allow a 5 foot wide yard.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division 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 a K-12 school located at the property of 1801 Dupont Avenue North, subject to the following conditions:

- 1) Unloading and loading of children from passenger vehicles in the alley shall be prohibited.

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division 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 increase the maximum allowed height of a building from 2.5 stories to 3 stories and from 35 feet to 39 feet for a K-12 school located at the property of 1801 Dupont Avenue North.

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division 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 to increase the maximum floor area ratio from 0.5 to 1.13 for the property located at 1801 Dupont Avenue North.

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the front yard requirement along Dupont Avenue from 22.5 feet to 20 feet to allow a parking area for the property located at 1801 Dupont Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division 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 to reduce the rear yard requirement along the alley from 5 feet to 0 feet to allow a loading area for the property located at 1801 Dupont Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division 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 to reduce the minimum loading requirement from 1 space to 0 spaces for the property located at 1801 Dupont Avenue North.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division 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 to allow a K-12 school located at the property of 1801 Dupont Avenue North, subject to the following conditions:

- 1) Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site, landscape and lighting plans.
- 2) Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 27, 2007, or the permit may be revoked for non-compliance.
- 3) The entrance facing Dupont Avenue North shall be clearly defined and emphasized through the use of additional architectural features such as roofs or other details that express the importance of the entrance.

- 4) Additional windows or other architectural elements shall be provided on the exterior gym elevations to prevent blank walls more than 25 feet in length as required by section 530.120 of the zoning code.
- 5) Ten percent of the first and second floor walls of the gym that face the playground and parking area shall contain windows as required by section 530.120 of the zoning code.
- 6) All required windows shall have a visible light transmittance greater than 0.6 as required by section 530.120 of the zoning code.
- 7) Vehicular alley access from the parking area shall be prohibited as required by section 530.150 of the zoning code.
- 8) Screening that complies with section 530.170 of the zoning code shall be provided between the parking area and the street and the adjacent residence.
- 9) Architectural elements or landscaping with a vertical emphasis shall be provided along the masonry wall adjacent to the playground to prevent graffiti.

**Attachments:**

1. Zoning code information sheet
2. Statement of use
3. Applicant Findings
4. Zoning map
5. Plans
6. Photos