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

Date: August 11, 2009

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

Referral to: Zoning and Planning Committee

**Subject**: Referral from the August 10, 2009 City Planning Commission Meeting

**Recommendation**: See report from the City Planning Commission

**Prepared by**: Lisa Baldwin, Planning Commission Committee Clerk (612-673-3710)

**Approved by**: Jason Wittenberg, Supervisor, CPED Planning-Development Services

**Presenter in Committee:**
7. MCAD, 2538-2541 2nd Ave S, Jim Voll, Principal planner, x3887

**Community Impact (use any categories that apply)**
Other: See staff report(s) from the City Planning Commission

**Background/Supporting Information Attached**
The attached report summarizes the actions taken at the City Planning Commission meeting held on August 10, 2009. The findings and recommendations are respectfully submitted for the consideration of your Committee.

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

The Minneapolis City Planning Commission, at its meeting on August 10, 2009 took action to **submit the attached comment** on the following items:

**7. MCAD (BZZ-4482, Ward: 6), 2538-2541 2nd Ave S (Jim Voll).**

**A. Conditional Use Permit:** Application by MCAD for a conditional use permit to modify a Planned Unit Development for property located at 2538-2541 2nd Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the amendments to the conditional use permit for a planned unit development application for property located at 2501, 2531, 2537, and 2543 Stevens Ave S; 128, 200, and 206 E 26th St; 2400, 2540, and 2550 3rd Ave S; 209 E 25th St; 2501-2541 2nd Ave S; and 2538-2546 2nd Ave S subject to the following conditions:

The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the

zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

CPED Planning staff review and approve the site plan, landscaping plan, and elevations before permits may be issued.

All site improvements shall be completed by August 10, 2010, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

**B. Variance:** Application by MCAD for a variance to increase the maximum allowable height of a fence for property located at 2538-2541 2nd Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to increase the maximum allowable height of a fence for property located at 2501, 2531, 2537, and 2543 Stevens Ave S; 128, 200, and 206 E 26th St; 2400, 2540, and 2550 3rd Ave S; 209 E 25th St; 2501-2541 2nd Ave S; and 2538-2546 2nd Ave S subject to the following condition:

E. The fence shall be located at least five feet from the east and west sides of the alley intersection at the public sidewalk to allow for exiting vehicles to see approaching pedestrians.

**C. Variance:** Application by MCAD for a variance to increase the maximum allowable width of walkways for property located at 2538-2541 2nd Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the variance to increase the maximum allowable width of a walkway in the corner yard for property located at 2501, 2531, 2537, and 2543 Stevens Ave S; 128, 200, and 206 E 26th St; 2400, 2540, and 2550 3rd Ave S; 209 E 25th St; 2501-2541 2nd Ave S; and 2538-2546 2nd Ave S.

**D. Vacation:** Application by MCAD for a vacation of 2nd Ave S north of 26th St E for property located at 2538-2541 2nd Ave S.

**Action:** The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation of 2nd Ave S subject to the reservation of easements for Center Point Energy and the City of Minneapolis.

**E. Preliminary Plat:** Application by MCAD for a preliminary plat for property located at 2538-2541 2nd Ave S.

**Action:** The City Planning Commission adopted the findings and **approved** the preliminary plat application with the easement variance for property located at 2501, 2531, 2537, and 2543 Stevens Ave S; 128, 200, and 206 E 26th St; 2400, 2540, and 2550 3rd Ave S; 209 E 25th St; 2501-2541 2nd Ave S; and 2538-2546 2nd Ave S.

**Department of Community Planning and Economic Development - Planning Division**
Conditional Use Permit for a Planned Unit Development, Variances, Plat, and Street Vacation
BZZ-4482, PL-237, & Vac-1551

**Date:** August 10, 2009

**Applicant:** Minneapolis College of Art and Design (MCAD)

**Address Of Property:** 2501, 2531, 2537, and 2543 Stevens Avenue South; 128, 200, and 206 East 26th Street; 2400, 2540, and 2550 3rd Avenue South; 209 East 25th Street; 2501-2541 2nd Avenue South; and 2538-2546 2nd Avenue South.

**Project Name:** MCAD

**Contact Person And Phone:** Jeff Mandyck – Meyer Scherer & Rockcastle 612-375-0336

**Planning Staff And Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** July 15, 2009

**End of 60 Day Decision Period:** September 13, 2009

**Ward:** 6 **Neighborhood Organization:** Whittier

**Existing Zoning:** OR3 Institutional Office Residence District and R5 Multiple-family District

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

**Plate Number:** 20

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

**Proposed Use:** Modification of an existing planned unit development to allow for the construction of a new 105 space surface parking lot for the MCAD campus.

**Concurrent Review:**

**Conditional Use Permit for a Planned Unit Development:** Amendment to allow the construction of a new 105 space surface parking lot.

**Variance:** To increase the maximum allowable width of walkways from 8 feet to 9.5 and 10 feet.

**Variance:** To increase the maximum allowable height of a fence from 3 feet to 4 feet 3 inches.

**Preliminary Plat.**

**Street Vacation:** Vacation of 2nd Avenue South north of 26th Street East.

**Applicable Zoning Code Provisions:** Chapter 525, Article VII Conditional Use Permits; Article IX Variances, Specifically Section 525.520(1) "To vary yard requirements…"; Section 525.520(5) "To permit an increase in the maximum height of a fence."; Chapter 527 Planned Unit Developments; and Chapter 598 Subdivisions.

**Background:** The original expansion of the Minneapolis Society of Fine Arts, which included the Minneapolis Institute of Arts (MIA), the Children's Theater (CTC), and the Minneapolis College of Art and Design (MCAD) was approved as a planned unit development in 1973 (C-271). This action included the vacation of East 25th Street and allowed the expansion of the MIA, CTC, and MCAD, as well as the construction of dorms on the campus and a parking ramp on 3rd Avenue South. While the three institutions are now separate entities, they are all part of the original planned unit development and they are allowed to amend the parts of the planned unit development where they are located.

In 1994, a conditional use permit (C-1582) was granted for an addition to the west side of the existing MCAD building at 2501 Stevens Avenue South. In 1999, a conditional use permit (C-2002) was granted to allow for an expansion on the east side of the existing MCAD building at 2501 Stevens Avenue South. In 2002, when the MIA expanded, the required parking for the campus was 1,248 spaces (MIA required 912, CTC required 238, and MCAD required 98). The City Planning Commission, and later the City Council on appeal, granted a parking reduction (not a variance) as allowed under the planned unit development regulations down to the 625 spaces available in the MIA ramp and surface lots and based on the mitigation measures in the approved Travel Demand Management Plan. In 2003, when the CTC expanded the parking requirement for the CTC increased form 238 to 309 spaces (it would be 207 under the current parking revisions) and the City Planning Commission granted another parking reduction of this increased amount as a part of the planned unit development approval.

The majority of the parking on the campus (625 spaces in the ramp and two surface lots) is owned by the MIA. MCAD has approximately 42 spaces in various small lots behind three of their apartment buildings, behind the maintenance building, and at the south end and north ends of the main MCAD building. The CTC has no parking at all. The assumption by staff, the Planning Commission, and the City Council during the 1999 MCAD expansion, the 2002 MIA expansion, and the 2003 CTC expansion, was that parking would be available in the ramp or the lots for some of the needs of MCAD and the CTC and that the mitigation measures in the Travel Demand Management Plans would mitigate the adverse effects of the shared parking arrangement. However, there are no conditions of approval in any of the expansion approvals that require the MIA to provide parking for the other two institutions. The MIA has notified MCAD that they will no longer be able to lease parking in the 3rd Avenue ramp. Currently MCAD leases 143 spaces in the ramp.

MCAD now proposes to build a new 105 space surface parking lot at the south end of the campus to replace this parking and as the first phase of a multi-phased campus master plan. This requires a conditional use permit/planned unit development modification. MCAD is also requesting a variance to allow the height of fencing and the width of walkways in the corner yard setback along East 26th Street, a preliminary plat to consolidate the many lots on site into three lots as required by the planned unit development regulations, and a vacation of 2nd Avenue South north of East 26th Street.

This site is in the Washburn Fair Oaks Historic District. At its meeting of July 7, 2009, the Heritage Preservation Commission (HPC) approved a Certificate of Appropriateness (CoA) for the proposed work and a CoA to relocated the "blue house" at 2538 2nd Avenue South to 3245 Nicollet Avenue. The HPC denied a CoA for a 64 square foot freestanding sign to be located at the southeast corner of the proposed sculpture garden. The HPC limited the sign to 32 square feet. The applicant has decided to create a master sign plan for the campus and bring it forward for HPC and CPC at a future date.

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

## CONDITIONAL USE PERMIT for a PLANNED UNIT DEVELOPMENT

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

The Minneapolis City Planning Department 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.**

The modification is necessary to allow changes to the parking, walkways, landscaping and fencing of an approved planned unit development. The applicant proposes to construct a new 105 space surface parking lot to replaced required parking that is currently leased in the adjacent 3rd Avenue ramp, but will not be available in the future. While staff would prefer structured parking and active uses rather than surface parking, the proposed lot will provide parking required by code and due to previous parking reductions granted by the city will still not exceed the required parking of the zoning code for the entire tri-institutional planned unit development. The applicant will create a sculpture garden along the East 26th Street frontage to mitigate the impact of the lot. The HPC approved a CoA for the proposed work. With the conditions of approval the proposed changes should not be detrimental to the public health, safety, or general welfare.

**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 developed. The site plan has been designed so that the modifications will meet all city requirements; therefore, it should not impede the orderly or normal development in the area, nor should it be injurious to surrounding properties. Future phases of the campus master plan propose structure parking and academic buildings for the area.

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

Utilities are existing and adequate. The applicant proposes to vacate 2nd Avenue South north of East 26th Street. Public Works and CPED-Planning staff are recommending approval of the vacation of the street. Please the vacation section of this staff report. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable for these items subject to the comments in the PDR report attached to this staff report. Stormwater management and drainage plans will be reviewed and approved by Public Works before permits may be issued and construction may commence.

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

In 2002, when the MIA expanded, the required parking for the campus was 1,248 spaces (MIA required 912, CTC required 238, and MCAD required 98). The City Planning Commission, and later the City Council on appeal, granted a parking reduction (not a variance) as allowed under the planned unit development regulations down to the 625 spaces available in the MIA ramp and surface lots and based on the mitigation measures in the approved Travel Demand Management Plan. In 2003, when the CTC expanded the parking requirement for the CTC increased form 238 to 309 spaces (it would be 207 under the current parking revisions) and the City Planning Commission granted another parking reduction of this increased amount as a part of the planned unit development approval.

The applicant proposes to construct a new 105 space surface parking lot to replaced required parking that is currently leased in the adjacent 3rd Avenue ramp, but will not be available in the future. This new parking plus the existing 42 campus spaces, brings the MCAD controlled parking for all of their campus to 147 spaces. With the approval of the surface lot the overall tri-institutional campus will have 772 spaces (MIA has 625 spaces in the ramp and two surface parking lots - all off of 3rd Avenue South). The current parking regulations in the zoning code require 986 for the three institutions. This breaks down to 547 spaces for the MIA, at one space per 500 square feet of gross floor area in excess of 4,000 square feet; 207 spaces for the CTC, at 20 percent of capacity of persons; and 256 spaces for MCAD, based on one space for each five students, with a maximum of 365 students on campus at any one time, and based on faculty and classrooms numbers as well as required parking for dorms and apartments on campus (please note that MCAD is legally non-conforming at 98 parking spaces). With the new lot the three institutions will not individually or collectively exceed the required parking for the entire tri-institutional planned unit development.

In addition, Public Works requires approval of a Travel Demand Management Plan (TDMP) before permits may be issued. As of the writing of this staff report, the TDMP is under review by Public Works, but staff has indicated that there are not major concerns and that approval is likely.

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

*The Minneapolis Plan* has no specific designation for this MCAD campus. The plan has the following relevant policies and implementations steps:

**Policy 6.5 Minneapolis will continue to promote the economic and creative vitality of arts activities based in the city, both as a regional center for art with an international presence as well as a unique arts environment that responds to local specialty interests.**

**Implementation Steps**

Enhance the city's unique arts and cultural resources that promote the city's identity within the region and in special 'niches' within the arts community.

The City Form chapter of *The Minneapolis Plan* has the following statement about institutional uses:

"Other significant changes to the city's features have come hand-in-hand with increased economic prosperity. As the city grew, so too did many of its founding institutions. Educational institutions, hospitals and corporations expanded and increased their presence in city neighborhoods, and residents and business owners grappled with the challenge of accommodating expansion and change in a compatible, mutually advantageous way. Vital, healthy institutions bring tremendous stability and presence to any city neighborhood. Balancing the need for expansion with the scale and character of pedestrian or other street level activity in city neighborhoods is a critical issue for both the livability of city neighborhoods surrounding institutions and the continued success of these organizations."

**Policy 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.**

**Implementation Steps**

Concentrate the greatest density and height in the interior of institutional campuses.

Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

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

**Implementation Steps**

Require the landscaping of parking lots.

Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed-use areas.

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

Implement parking solutions based on shared parking facilities and critical parking permits for residential districts

*The Minneapolis Plan for Sustainable Growth* (not fully adopted yet) designates this area as institutional

and has policies that are similar to those listed above in relation to institutional uses and parking facilities.

With the sculpture garden and conditions of approval, the proposed parking lot can be considered in conformance with the comprehensive plan. However, future surface parking lots for the tri-institutional campus that increase the parking beyond the zoning code supply or that eliminate existing structures or active uses may not be considered to be in conformance with the these goals of the comprehensive plan.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

The project will conform to all applicable regulations of the zoning code upon the approval of the conditional use permit for a planned unit development, variances, platting, and the street vacation.

**Zoning Code:** Colleges or universities are conditional use permits in the OR3 Institutional Office Residence District. Modifications to planned unit developments require a conditional use permit.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* With the 2009 adopted parking revisions to the 1999 zoning code, colleges and universities require 1 space per 5 students based on the maximum number of students attending classes at any one time plus 1 space per classroom. One space per dwelling unit is required for the apartment buildings and 1 space per 2 beds are required for dorms buildings. MCAD has a maximum of 365 students attending classes at any one time (total enrollment of 721). This divided by 5 requires 73 spaces. There are 27 classrooms for 27 spaces. There are 40 apartments for 40 spaces. There are 183 beds in 80 dorm units for a requirement of 92 spaces. Adding all together the total parking required for MCAD, if they wanted to comply with the current standards, would be 256 spaces. MCAD is legally nonconforming with a parking requirement of 98 spaces and is providing 147 spaces. Six handicapped van accessible spaces are required and six are provided.

*Maximum automobile parking requirement:* Not more than one space per classroom and other rooms used by students and faculty plus one space per three students based on the maximum number of students attending at any one time. Apartments outside of downtown have not maximum and dormitories have a maximum of 1 per bed. With a maximum of 356 students attending at any one time, 27 classrooms, 40 apartments, and 183 beds in the dorms MCAD would be allowed a maximum of at least 329 spaces (apartments have no maximum). At 147 spaces, MCAD is under the maximum allowable parking requirement.

*Bicycle parking requirement:* The bicycle parking for colleges and universities is as approved by conditional use permit. Multiple-family dwellings of five units or more are required to provide one bicycle parking space per every two dwelling units for a requirement of 20 spaces at 40 units. No requirement is listed for dormitories. MCAD currently has bike racks on campus that can accommodate 124 bikes. The new lot will add 105 spaces for a total of 229 bike parking spaces. The TDMP indicates that approximately five percent of the off-campus students bike to MCAD. If one were to double that

number to 10 percent and include all students and all part and full-time staff and faculty (701 enrolled students and 248 part and full-time staff and faculty) 95 spaces would be necessary. The bike parking provided exceeds this amount, so staff recommends approval of the proposed bike parking.

*Loading:* the required loading for colleges and universities is as approved by conditional use permit. No new buildings are proposed at this time, so no additional loading should be necessary. The campus has a loading area at the south end of the 2501 Stevens Avenue building and behind the maintenance building.

**Maximum Floor Area:** The maximum FAR in the OR3 District for a planned unit development and for a college or university is 3.5. The MCAD campus excluding the residential buildings on Stevens and 3rd Avenues are 238,315 square feet in area. The site contains approximately 268,910 square feet of gross floor area in the academic buildings and dorms on the lot, an FAR of 1.13. No change in the bulk of the buildings is proposed.

**Building Height:** Building height in the OR3 District for colleges and universities and planned unit developments are limited to 6 stories or 84 feet, whichever is less. The existing heights were approved by previous conditional use permits. No new structures are proposed.

**Minimum Lot Area:** Colleges and universities and planned unit developments require a minimum lot size of two acres. The MCAD owned property, not including the apartment buildings fronting on Stevens and 3rd Avenues is approximately 5.5 acres.

**Yard Requirements:** The Office Residence Districts require 15 feet for front yards, 5 feet plus two feet for every floor above the first for interior and rear yards, and 8 feet plus two feet for every floor above the first for corner side yards for buildings. The proposed development meets these setbacks except for walkway width and fence height. The applicant is requesting a variance to increase walkway width and fence height in the eight foot corner yard along East 26th Street. Staff is recommending approval of the variance (please see the variance section of this staff report). The landscaping, walkways, and decorative pavers can encroach into the corner yard subject to zoning code regulations. Sculptures that exceed three feet can not encroach into the yard.

**Specific Development Standards:** *College or university.* All new colleges and universities and expansions of existing colleges or universities shall submit a master development plan that describes proposed physical development for a period of five (5) years and a period from five (5) to ten (10) years and shall include a description of proposed development phases and plans, including development priorities, the probable sequence for proposed development, estimated dates of construction, and anticipated interim use of property awaiting to be developed. MCAD has submitted the campus master plan and the executive summary is attached to this report.

**Hours of Open to the Public:** Colleges and universities in the OR3 District are not subject to this provision.

**Signs:** All signs are required to meet the requirements of Chapter 543 of the zoning code. The master

sign plan is usually approved as a part of the conditional use permit for a planned unit development. The HPC recently denied a CoA for a 64 square foot freestanding sign to be located at the southeast corner of the proposed sculpture garden. The applicant has decided to create a master sign plan for the entire campus and bring it forward for HPC and CPC at a future date. The applicant is aware that signs require zoning office approval and permits.

**Refuse storage:** Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers are screened per code.

**Lighting:** 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 arranged so as not to 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 source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed form any permitted or conditional residential use.

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

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

**Site plan revisions:**

The proposed revisions to the site plan do not require a site plan review application, but they are subject to zoning code standards. Section 541.360 of the zoning code requires that parking lots of four (4) spaces or more shall be subject to the landscaping, screening, and curbing requirements as specified in Chapter 530, Site Plan Review.

**LANDSCAPING AND SCREENING:**

- **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.**

The parking areas will be screened with new fencing that is four feet and three inches in height. Also there will be an approximately 80 to 90 foot wide sculpture garden constructed between the parking and the public sidewalk along East 26th Street.

Landscaped yards that are greater than nine feet wide are provided between all of the parking areas and the public walkways and streets. Section 530.160(3)(c) requires landscaping on the street side of the screen fencing, unless the fence is highly decorative and less than 60 percent opaque. The landscaped yards have the required area, but do not have any plantings on the street side of the fencing, which is greater tan 60 percent opaque. Additional plantings are required on the street side of the fencing.

One tree per every 25 linear feet of parking lot frontage is required and all parking spaces are required to be within 50 of a deciduous tree. The site plan meets this requirement.

The interior areas and corners of the parking lots are landscaped.

All new parking spaces are within 50 feet on an on-site deciduous tree.

**Findings Required For Planned Unit Developments:**

In addition to the conditional use permit standards contained in Chapter 525, before approval of a planned unit development the city planning commission also shall find:

**1. That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:**

**a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.**

The campus consists of existing academic, dormitory, and residential buildings. No changes are proposed to the housing type or building design, size, or location.

**b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.**

Public Works and the Fire Department have reviewed the plans for access and circulation and they find them acceptable for these items subject to the comments in the PDR report attached to this staff report. There is adequate parking for the campus. Maximum and minimum parking for a planned unit development is as determined by the conditional use permit. Please see the parking information listed above in the zoning code section of this report.

**c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment or historic features.**

This is an amendment to an existing planned unit development. The original plan created open space and common area down the center of the campus. The applicant proposes a new sculpture garden along the south end of the parking as an amenity. Future phases of the campus plan will create structured parking and an extension of the green common to East 26th Street.

**d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development, and protection of views and corridors.**

The campus consists of existing academic, dorm, and apartment buildings. No changes are proposed to the housing type or building design, size, or location. The parking lots will be screened. Staff recommends additional landscaping around the parking areas to conform to the requirements of section 530.160(b) of the zoning code.

**e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.**

The proposed development will have stormwater management and erosion control plans approved by Public Works at the final site plan stage.

**2. That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

The development will be platted into three lots that will meet the requirements of the subdivision ordinance. Please see the plat section of this report.

**<u>VARIANCE (to increase the width of a walkways in the corner side yard)</u>**

**Findings Required by the Minneapolis Zoning Code:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

There is a eight foot corner yard setback along East 26th Street. Walkways for institutional uses are limited to eight feet in with within a corner yard. One walkway within the sculpture garden will be 10 feet wide. Another walkway on the east side of the vacated 2nd Avenue South will be 9.5 feet wide to allow for a fire truck access, in conjunction with the adjacent drive aisle, to the site. Allowing a larger sidewalk for an institutional use, that will have heavier foot traffic than residential properties and that is necessary for to facilitate fire truck access, is a reasonable use of the property. Strict adherence to the regulations would require a sidewalk to a major entrance of an institutional use that would not be as functional as a larger walkway and would therefore cause an undue hardship.

**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.**

The circumstances are unique to the use. Institutional uses typically require larger entrance walkways than residential uses. This condition is not generally applicable to other properties in the residential districts.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of the ordinance was to prevent properties from having large paved areas in their front and corner side yards. Therefore, granting the variance will not violate the intent of the ordinance.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The width of the sidewalk will have no effect on congestion in the street. It will lessen the danger of fire as it will facilitate fire truck access. It will not be detrimental to the public welfare. It should improve public safety by allowing a more appropriate sidewalk width for an institutional use and facilitating fire truck access.

**VARIANCE (to increase the height of a fence from 3 feet to 4 feet 3 inches in a corner yard)**

**Findings Required by the Minneapolis Zoning Code:**

**1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

There is a eight foot corner yard setback along East 26th Street. Fences are limited to three feet in height within a corner yard. This may be increase to four feet if decorative ornamental fencing that is less than 60 percent opaque is utilized. The proposed metal fencing is not less than 60 percent opaque, but does have a unique and decorative pattern. The fencing panels come is standard four by eight panels and a three inch clearance form the ground is necessary, which necessitates the request for a variance. The fence will span a significant part of the block, but on either side there are buildings located close to the street frontage making the need for a lower fence, to preserve views in yard, less necessary. This is a reasonable use of the property if the fence is not in the sight triangle for the alley.

**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.**

The fence will define the edge of a campus on a large site, so the fencing will not be out of scale with the size of the lot. It will also span a significant part of the block, but on either side there are buildings located close to the street frontage making the need for a lower fence, to preserve views in yard, less necessary. These conditions are not generally applicable to other properties in the area.

**3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

The intent of the ordinance is to prevent fences blocking views up and down the street in the front and corner yards, or to block views into the site. The change in height is minimal and will still allow views into the site. As mentioned above it will not block views in yards along the street as the buildings on either side are located closer to the property line. Therefore, the proposed variance should not circumvent the intent of the ordinance.

**4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The fence should have no impact on traffic congestion and should not be detrimental to the public welfare or endanger public safety if it is moved back from the alley to allow for views of the public sidewalk for exiting vehicles.

## PRELIMINARY PLAT SUBDIVISION

**Required Findings:**

**1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.**

The Planned Unit Development chapter of the zoning code requires that planned unit developments be platted into one or more lots. MCAD has 21 lots and parcels that will be replatted into three lots. One for the majority of the campus, one for the two apartment buildings on 3rd Avenue South that have a different zoning classification, and one for the two structures on Stevens that are west of an alley and south of a property that is not owned by MCAD. The MCAD properties on the Park Board land north of vacated 25th Street East will not be included in the plat as staff has previously determined that this is a existing parcel that is not required to be replatted or subdivided. All lots will be in conformance with the requirements of the zoning code and comprehensive plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines. In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. While variances from the zoning code require a separate application,

variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

(1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

(2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Because utilities are existing in locations that do not necessarily match the ordinance utility easement location requirements, the easement requirement on the rear and interior lot lines is not necessary in this case, so staff recommends varying the requirement to zero.

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will create three lots out of 21 lots and parcels with existing buildings. The associated development will create a 105 space surface parking lot, which should not increase congestion in the public streets.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.**

The does not present the above noted hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

A final site plan is required to be approved by the City for the proposed development that will be reviewed by CPED-Planning and Public Works before construction may begin. Public Works and the Fire Department have reviewed the plan for access and circulation and find it acceptable with the changes recommended in the attached preliminary development review report.

**5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

A stormwater management plan will be approved by Public Works before construction may begin.

## STREET VACATION

**Legal Description:** All of that part of 2nd Avenue South lying between Block 7 and Block 8, GEO. GALPIN'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of the westerly extension of the north line of Lot 8, said Block 8, and which is northerly of a line drawn from the southwest corner of Lot 6, said Block 8, to the southeast corner of Lot 5, said Block 7.

**Responses from Utilities and Affected Property Owners:** The Minneapolis Park and Recreation Board (MPRB) – Forestry Division requires compensation for the trees within the area to be vacated. The applicant is aware of this requirement will comply. Center Point Energy the Minneapolis Public Works Department have facilities in the area and request easements in the area to be vacated.

**Findings:** The Public Works Department and Community Planning and Economic Development Department – Planning Division find that the street proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested above are granted by the petitioner.

## RECOMMENDATIONS

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit modification for a planned unit development:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the amendments to the

conditional use permit for a planned unit development application for property located at 2501, 2531, 2537, and 2543 Stevens Avenue South; 128, 200, and 206 East 26th Street; 2400, 2540, and 2550 3rd Avenue South; 209 East 25th Street; 2501-2541 2nd Avenue South; and 2538-2546 2nd Avenue South subject to the following conditions:

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

2) Landscaping as required by Section 530.160(b) of the zoning code shall be provided between the fencing and the public streets and sidewalks.

3) CPED Planning staff review and approve the site plan, landscaping plan, and elevations before permits may be issued.

4) All site improvements shall be completed by August 10, 2010, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the walkway width variance:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowable width of a walkway in the corner yard for property located at 2501, 2531, 2537, and 2543 Stevens Avenue South; 128, 200, and 206 East 26th Street; 2400, 2540, and 2550 3rd Avenue South; 209 East 25th Street; 2501-2541 2nd Avenue South; and 2538-2546 2nd Avenue South.

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the fence height variance:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum allowable height of a fence for property located at 2501, 2531, 2537, and 2543 Stevens Avenue South; 128, 200, and 206 East 26th Street; 2400, 2540, and 2550 3rd Avenue South; 209 East 25th Street; 2501-2541 2nd Avenue South; and 2538-2546 2nd Avenue South subject to the following condition:

1) The fence shall be located at least five feet from the east and west sides of the alley intersection at the public sidewalk to allow for exiting vehicles to see approaching pedestrians.

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the preliminary plat:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the preliminary plat application with the easement variance for property located at 2501, 2531, 2537, and 2543 Stevens Avenue South; 128, 200, and 206 East 26th Street; 2400, 2540, and 2550 3rd Avenue South; 209 East 25th Street; 2501-2541 2nd Avenue South; and 2538-2546 2nd Avenue South.

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the street vacation:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the vacation of 2nd Avenue South subject to the reservation of easements for Center Point Energy and the City of Minneapolis.

**Attachments:**

1) Statements from the applicant.
2) PDR Report.
3) Zoning map
4) Vacation map.
5) Site plans.
6) Photos and aerials.

Schiff

**Vacating all of that part of 2nd Avenue South lying between Block 7 and Block 8, GEO. GALPIN'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of the westerly extension of the north line of Lot 8, said Block 8, and which is northerly of a line drawn from the southwest corner of Lot 6, said Block 8, to the southeast corner of Lot 5, said Block 7; (Vacation File No. 1551).**

Resolved by The City Council of The City of Minneapolis:

All of that part of 2nd Avenue South lying between Block 7 and Block 8, GEO. GALPIN'S ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, which lies southerly of the westerly extension of the north line of Lot 8, said Block 8, and which is northerly of a line drawn from the southwest corner of Lot 6, said Block 8, to the southeast corner of Lot 5, said Block 7 is hereby vacated except that such vacations shall not affect the existing easement right and authority of the City of Minneapolis and Center Point Energy, their successors and assigns, to enter upon that portion of the aforedescribed street which is described in regard to each of said corporations as follows, to wit:

**As to Center Point Energy:** The east 40 feet of that part of 2nd Avenue South to be vacated.

**As to the City of Minneapolis:** A Sanitary Sewer Easement encompassing all of the proposed vacation.

**As to the City of Minneapolis:** A Water Main Easement encompassing all of the proposed vacation.

to operate, maintain, repair, alter, inspect or remove its above-described utility facilities and said easement right and authority is hereby expressly reserved to each of the above-named corporations and the City of Minneapolis, and no other person or corporation shall have the right to fill, excavate, erect buildings or other structures, plant trees or perform any act which would interfere with or obstruct access to said street upon or within the above-described areas without first obtaining the written approval of the corporations and the Director of Public Works of the City of Minneapolis having utility facilities located within the area involved authorizing them to do so.

Where the area described above in regard to any of the other corporations, or any part thereof lies within the area described above in regard to the City of Minneapolis, the rights reserved to the other corporation or corporations shall be subordinate to the rights reserved to the City of Minneapolis to the same extent that said rights would be subordinate if this street had not been vacated.