

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-3635

Date: July 16, 2007

Applicant: Minneapolis Park and Recreation Board

Address of Property: 400 Kenwood Parkway

Project Name: The Parade Field Lighting Improvements

Contact Person and Phone: John Monnens with MPLS Park and Recreation Board, (612) 230-6471

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

Date Application Deemed Complete: June 21, 2007

End of 60-Day Decision Period: August 20, 2007

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

Ward: 7 **Neighborhood Organization:** Lowry Hill Neighborhood

Existing Zoning: R2, Two-Family District and SH, Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 18

Legal Description: Not applicable for this application

Proposed Use: Light poles

Concurrent Review:

Conditional use permit: to increase the height of four light poles located in the SH Shoreland Overlay District from the permitted 2.5 stories/35 feet to 5 stories/70 feet

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits.

Background: The Minneapolis Park and Recreation Board are in the process of upgrading the facilities at The Parade site. This application is for the installation of four light poles situated around the perimeter of the football and/or soccer field. The site is located within the boundaries of the Spring Lake SH, Shoreland Overlay District which has a height limitation of 2.5 stories or 35 feet. The light poles are 70 feet in height which therefore requires a conditional use permit.

CONDITIONAL USE PERMIT - to increase the height of four light poles located in the SH Shoreland Overlay District from the permitted 2.5 stories/35 feet to 5 stories/70 feet

Findings as Required by the Minneapolis Zoning Code:

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

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

The site is located in the R2 zoning district which has a maximum height requirement of 2.5 stories or 35 feet. In addition, the site is also located within 1,000 feet of the high-water mark of Spring Lake and is therefore located within the SH Shoreland Overlay District which also has a maximum height of 2.5 stories or 35 feet.

The purpose of the SH Shoreland Overlay District is established to “preserve and enhance the environmental qualities of the surface waters and the natural and economic values of Shoreland areas within the city, to provide for the efficient and beneficial utilizations of those waters and Shoreland area, to comply with the requirements of state law regarding the management of Shoreland areas, and to protect the public health, safety and welfare”.

The Planning Division does not believe that increasing the height of the four light poles from 2.5 stories/35 feet to 5 stories/70 feet would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant has indicated that the four light poles will replace the ten light poles that were previously on the site. Six of the ten previous light poles were 60 feet tall and the remaining four were 35 feet tall.

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

The Planning Division does not believe that increasing the height of the four light poles from the permitted 2.5 stories/35 feet to 5 stories/70 feet would be injurious to the use and enjoyment of other property in the area. The applicant has indicated that the amount of glare that is produced by the four proposed light poles is significantly reduced compared to the ten light poles that were previously on the site. In addition, when looking out from this site there are a number of other tall light poles located in the immediate area either on adjacent park land or along Highway 394 to the north (see the photos that are attached to this report).

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

Increasing the height of the light poles will have no impact on utilities, access roads or drainage.

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

Increasing the height of the light poles will have no impact on traffic congestion in the public streets.

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

According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will work to enhance the appeal of city living by improving residents' actual and perceived sense of safety and security (Policy 1.9).
- Minneapolis will make parks secure, attractive places and ensure that these facilities are accessible, enjoyable and safe (Policy 6.4).
- Use design features that promote safety and security when constructing or renovating park spaces (Implementation Step for Policy 6.4).
- Locate lighting grids in city parks based on standards for safety, aesthetic improvements, capital costs and energy efficiency (Implementation Step for Policy 6.4).
- Minneapolis will build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*.

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

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

Given the slenderness of the poles themselves, the Planning Division does not believe that increasing the height of the four light poles will have an impact on the amount of light and air surrounding properties receive.

2. Shadowing of residential properties or significant public spaces.

Given the slenderness of the poles themselves, the Planning Division does not believe that increasing the height of the four light poles will produce shadowing on surrounding residential properties or the park itself.

3. The scale and character of surrounding uses.

When looking out from this site there are a number of other tall light poles located in the immediate area either on adjacent park land or along Highway 394 to the north.

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

Given the slenderness of the poles themselves, the Planning Division does not believe that increasing the height of the four light poles will impact views of surrounding landmark buildings, significant open spaces or water bodies.

In addition to the conditional use permit standards, the Planning Commission shall consider the following in the Shoreland Overlay District:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

The Planning Division does not believe that the installation of the four light poles will impact or pollute Spring Lake. As with any development, Public Works will review and approve an erosion control plan and a stormwater management plan prior to the issuance of building permits. In this case, the erosion control plan, for stabilization purposes, has already been approved.

2. Limiting the visibility of structures and other development from protected waters.

Given the slenderness of the poles themselves, the Planning Division does not believe that increasing the height of the four light poles will significantly increase the visibility of them from Spring Lake compared to light poles that were built to comply with the Shoreland Overlay District.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

Not applicable.

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 application to increase the height of four light poles located in the SH Shoreland Overlay District from the permitted 2.5 stories/35 feet to 5 stories/70 feet located at 400 Kenwood Parkway 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

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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.

Attachments:

1. Statement of proposed use
2. History of Parade Stadium
3. Conditional use permit findings
4. June 12, 2007, letters to Council Member Goodman and Lowry Hill
5. Zoning Map
6. Overlay District Map
7. Civil plans, site plan and lighting details
8. Aerial photo of the site
9. Photographs of the site and surrounding area