

Community Planning and Economic Development Department – Planning Division
Conditional Use Permit, Variance, and Site Plan Review
BZZ-4008

Date: May 12, 2008

Applicant: Crystal Lake Cemetery

Address of Property: 3816 Penn Avenue North

Contact Person and Phone: Jay Larson – Washburn-McReavy Funeral Home 612-521-3677

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

Date Application Deemed Complete: April 15, 2008

End of 60-Day Decision Period: June 14, 2008

Ward: 4 **Neighborhood Organization:** Webber-Camden

Existing Zoning: R1 Single Family Residential

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 3

Legal Description: Not applicable for this application.

Existing/Proposed Use: Cemetery with new maintenance facility.

Concurrent Review:

Conditional use permit: To allow a new approximately 7,400 sq. ft. maintenance facility.

Variance: to increase the maximum allowable height of a fence.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX, Variances, specifically Section 525.520(5) “to permit the increase in the height of a fence.”; and Chapter 530 Site Plan Review.

Background: Crystal Lake Cemetery plans to build an approximately 7,400 square foot maintenance facility to replace an existing maintenance facility and outdoor storage. This requires a conditional use permit and site plan review. In addition they plan to replace some fencing in the area of the maintenance building that exceeds the allowable height for a fence in the corner yard setback and this requires a variance.

CPED – Planning Division Report
BZZ-4008

A conditional use permit (C-864) and a rezoning (P-672) to allow a mortuary was approved in 1985. A conditional use permit (C-985) to allow a crematory within the cemetery's chapel was approved in 1986. A conditional use permit (C-1220) to allow a crematory accessory to the cemetery's chapel was approved in 1989. A conditional use permit (C-1430) to allow a 16 foot by 18 foot mausoleum/crypt with the possibility of three more similar crypts in the future was approved in 1992 with conditions.

A conditional use permit (BZZ-55) to allow the modification of a previous conditional use permit (C-1430) to allow a 72 square foot artwork feature to remain on top of an existing mausoleum and a variance to allow a new screen fence and wrought iron type fencing (that replaced the chain link fencing) in the front and corner yard setbacks to a height of six feet was approved on June 4, 2001. A conditional use permit (BZZ-519) to allow a 24 foot by 49 foot (16 feet high) mausoleum was approved on March 18, 2002. A conditional use permit (BZZ-1884) to allow a 33 foot by 23 foot (16 feet high) mausoleum was approved by the City Planning Commission on August 23, 2004. A conditional use permit (BZZ-2287) to modify BZZ-1884 to build a larger mausoleum (39 foot by 49 foot; 16 feet high) and to move it to the north of where it was originally proposed was approved by the City Planning Commission on May 9, 2005. A conditional use permit and site plan review (BZZ-3622) to build a new maintenance facility was withdrawn before the public hearing in 2007.

The Webber-Camden neighborhood group has sent a letter of support (please see attached letter).

CONDITIONAL USE PERMIT (to allow a 7,400 square foot maintenance building)

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 applicant proposes to replace a 2,600 square foot maintenance facility that is in disrepair and an outdoor storage yard with machinery and materials with an approximately 7,400 square foot maintenance building. The outdoor storage would be moved into the building. This should improve the appearance of the area and reduce the negative impacts on surrounding properties.

- 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 maintenance building will be located inside an existing cemetery and will be accessed from the cemetery grounds. The area to the north is fully developed.

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

All utilities and access roads are existing and adequate. The applicant will add a retention pond as a part of the required drainage plan for the new construction..

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

The modification should not increase traffic in the area as it is being built for existing capacity. There is adequate parking in the cemetery along the private drives and a 10 space lot is being added for the grounds crew and maintenance facility staff.

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

In general *The Minneapolis Plan* does not speak to cemeteries. Policy 9.15 of the plan states “Minneapolis will protect residential areas from the negative impacts of nonresidential uses by providing appropriate transitions between different land uses.” However, the landscaping and fencing improvements are in conformance with the plan’s goal of creating attractive and appealing urban places and providing a transition between institutional and residential uses.

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 site will conform to the applicable regulations upon the approval of the conditional use permit.

VARIANCE (to increase the height of a fence in the required setback from 4 feet to 6 feet)

Findings Required by the Minneapolis Zoning Code:

1. Because of the particular physical surroundings, shape, configuration, or topographical conditions of the specific parcel of land involved, strict adherence to the regulations of this zoning ordinance would cause undue hardship. Economic consideration alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Along 41st Avenue North there is a 10 foot corner yard setback. Decorative or vinyl coated chain-link fencing can not exceed four feet in required setbacks. The applicant will replace existing chain-link fencing with new black vinyl coated chain link fencing at the same height as the existing fencing around the cemetery. While the fencing will be along the property line and within the 10 foot corner yard setback, it will be approximately 30 feet from the curb on 41st Avenue North. Requiring the fencing to be moved back will cause it to be out of line with existing fencing and landscape screening and this is a hardship. The proposed variance is a reasonable use of the property.

2. **The conditions upon which a petition for a variance is based are unique to the parcel of land for which the variance is sought and are not applicable, generally, to other property within the same zoning classification.**

The conditions are unique to large institutional uses and are not generally applicable to other properties in the same zoning category

3. **The alleged difficulty or hardship is caused by the zoning ordinance and has not been created by any persons presently having an interest in the parcel of land.**

The code does not recognize the existing conditions that make it unreasonable to move the fence out of the setbacks.

4. **The granting of the variance will not alter the essential character of the locality or be injurious to other property in the vicinity in which the parcel of land is located or substantially diminish property values.**

The variance will allow the replacement of damaged fencing with new fencing and will allow the installation of additional landscape screening around the maintenance area. This should improve the character of the area.

5. **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 variance will not increase congestion in the streets or be detrimental to public safety.

SITE PLAN REVIEW

Required Findings for 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 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

CPED – Planning Division Report
BZZ-4008

sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 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.**

The proposed building is located 25 feet from the property line and 15 feet from the 10 foot corner side yard setback line. Staff recommends granting alternative compliance as the building is a maintenance structure for the cemetery that is not designed to be open to or accessible by the public. By setting the building back further it provides additional room for landscaping, screening, and to provide a buffer for the residential properties to the north across 41st Avenue North. The area between the building and the lot line, where the building is setback, has landscaping.

The principal entrance for the building faces the interior of the cemetery. Staff recommends granting alternative compliance as the building is a maintenance structure for the cemetery that is not designed to be open to or accessible by the public. By orienting the building doors toward the interior of the cemetery it provides a buffer for the residential properties to the north across 41st Avenue North. The parking and loading is located to the rear of the building in the interior of the site.

The building has minimal architectural detail that is limited to two different colors of metal panels. It is constructed with durable materials including metal and glass. The rear and side walls will be compatible with the front of the building.

The building does not comply with the prohibition on blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements that exceed 25 feet, on all four sides. Staff recommends granting alternative compliance if the applicant provides additional plantings along the north façade that will deter graffiti and provide visual interest in lieu of architectural detail.

The windows on the building do not meet the requirements of 30 percent windows on the first floors facing the public street and the onsite parking lot (the north and south sides). The north side facing 41st Avenue North has four percent windows and the south elevation facing the parking area has zero. The applicant has installed windows in the areas that will have personnel in them on a limited basis. Staff recommends granting alternative compliance as it is not practical to provide windows into the storage area and service bays in a facility that is not part of a street frontage, or street wall, or that is not usually occupied by personnel. In addition, staff recommends that the applicant provide additional plantings along the north side of the building as a graffiti prevention measure and to provide visual interest.

The structure has a shed roof. The single-family homes to the north have gable roofs. Staff recommends granting alternative compliance for a shed roof as this is a maintenance building in a cemetery rather than a structure that is part of a row of houses or a commercial street frontage.

There are no parking garages proposed for the site.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent**

CPED – Planning Division Report
BZZ-4008

- **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.**

The entrances to the buildings open toward the cemetery rather than the street frontage and neighborhood to the north to provide a visual and sound buffer for the nearby residential properties and no walkway connects the building to a public walkway. There is no public walkway on the southside of the 41st Avenue North right-of-way. Staff recommends granting alternative compliance to eliminate the walkway requirement as this is a maintenance building internal to the cemetery rather than a structure that is part of the street frontage and because there is not a public sidewalk to which it can be connected.

There are no transit shelters or alleys on the site and there are no adjacent residential properties.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable (please see attached report).

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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,**

CPED – Planning Division Report
BZZ-4008

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.**

The site plan shows 31 percent landscaping in the maintenance facility area. The lot area for the maintenance facility is 30,638 square feet (the cemetery is 138 acres) and the footprint of the buildings is approximately 7,400 square feet. This leaves 23,238 square feet, of which 20 percent (4,648 square feet) is required to be landscaped.

The site is required to provide 9 trees and 46 shrubs. The site plan shows 16 trees and 69 shrubs.

The parking area is screened from the public street by the building. No other screening is required.

All parking spaces are within 50 of a deciduous tree.

At the April 30, 2008, City Planning Commission Committee of the Whole meeting, commissioners suggested additional landscaping of the retention pond. An on-site inspection revealed that the pond location is far enough from the street and is screened by the grade and landscape plantings that it will not be visible from the street or the cemetery, so the applicant would prefer to utilize sod rather than additional plantings. Staff would prefer the additional plantings along the 41st Avenue frontage, where visible from the street, rather than at the basin.

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.**

The parking area is bounded by curbing that directs drainage to the retention area.

The buildings do not block of important views of the city, shadow public spaces and adjacent properties,

and will not significantly generate wind currents at ground level.

The plan meets the CPED guidelines. The public and private areas are delineated by fencing, the landscaping is designed to allow views into and out of the site, and access is controlled by fencing.

There are no historic structures on 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 proposed use is an accessory use to a cemetery in the R1 District.

Off-Street Parking and Loading: The zoning code requires one space per 300 square feet of gross floor area in excess of 4,000 square feet for the office use, but no less than four spaces. Four spaces are required and 10 are provided, one of which is a van accessible space.

Maximum Floor Area: There here is no minimum FAR required for a cemetery in the R1 District.

Building Height: Building height in the R1 District is limited to 2.5 stories or 35 feet, whichever is less. The proposed building is one story with a mezzanine and is 20 feet at its highest point.

Minimum Lot Area: The minimum lot size for a cemetery is 80 acres in the R1 District. The cemetery is 138 acres.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: There is a 10 foot corner yard setback along 41st Avenue North. The building and parking is out of the setback, but some of the fencing extends into the setback and needs a variance for an increase in the maximum allowable height to six feet. Staff is recommending approval of the variance.

Specific Development Standards: No specific development standards are applicable for this use.

Hours of Open to the Public: In the R1 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. and Friday and Saturday from 7:00 a.m. to 11:00 p.m. The cemetery is open 8:00 a.m. to 4:30 p.m. everyday.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No new signage is proposed. The applicant is aware that signs require zoning office approval and permits.

CPED – Planning Division Report
BZZ-4008

Refuse storage: Section 535.80. 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 as required by 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 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 general *The Minneapolis Plan* does not speak to cemeteries. Policy 9.15 of the plan states “Minneapolis will protect residential areas from the negative impacts of nonresidential uses by providing appropriate transitions between different land uses.” However, the landscaping and fencing improvements are in conformance with the plan’s goal of creating attractive and appealing urban places and providing a transition between institutional and residential uses.

SMALL AREA PLANS ADOPTED BY COUNCIL: There are no plans adopted by the City Council for this area beyond the comprehensive plan.

Alternative Compliance. The Planning Commission 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:

- **Building location.**

The proposed building is located 25 feet from the property line and 15 feet from the 10 foot corner side yard setback line. Staff recommends granting alternative compliance as the building is a maintenance structure for the cemetery that is not designed to be open to or accessible by the public. By setting the building back further it provides additional room for landscaping, screening, and to provide a buffer for the residential properties to the north across 41st Avenue North. The area between the building and the lot line has landscaping.

- **Principal entrance.**

The principal entrance for the building faces the interior of the cemetery. Staff recommends granting alternative compliance as the building is a maintenance structure for the cemetery that is not designed to be open to or accessible by the public. By orienting the building doors toward the interior of the cemetery it provides a buffer for the residential properties to the north across 41st Avenue North.

- **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.**

The building does not comply with the prohibition on blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements that exceed 25 feet, on all four sides. Staff recommends granting alternative compliance if the applicant provides additional plantings along the north façade that will deter graffiti and provide visual interest in lieu of architectural detail.

CPED – Planning Division Report
BZZ-4008

- 30 percent windows.

The windows on the building does not meet the 30 percent window requirement on the first floors facing the street and the onsite parking lot (the north and south sides). The north side facing 41st Avenue North has four percent windows and the south elevation facing the parking area has zero. The applicant has installed windows in the areas that will have personnel in them on a limited basis. Staff recommends granting alternative compliance as it is not practical to provide windows into the storage area and service bays in a facility that is not part of a street frontage, or street wall, or that is not usually occupied by personnel. In addition, staff recommends that the applicant provide additional plantings along the north side of the building as a graffiti prevention measure and to provide visual interest.

- Roof style.

The structure has a shed roof. The single-family homes to the north have gable roofs. Staff recommends granting alternative compliance for a shed roof as this is a maintenance building in a cemetery rather than a structure that is part of a row of houses or street frontage.

- Pathway connecting to the public sidewalk.

There is no public walkway on the southside of the 41st Avenue North right-of-way. Staff recommends granting alternative compliance to eliminate the walkway requirement a maintenance building internal to the cemetery rather than a structure that is part of a street frontage and because there is not a public sidewalk to which it can be connected.

RECOMMENDATION

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow a new approximately 7,400 square foot maintenance facility for Crystal Lake Cemetery located at 3816 Penn Avenue North subject to the following conditions:

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

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 above findings and **approve** the variance application to allow the increase in the maximum allowable height of a fence from four feet to six feet for property located at 3816 Penn Avenue North subject to the following condition:

- 1) The chain-link fencing shall be black vinyl coated chain-link fencing.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 3816 Penn Avenue North subject to the following conditions:

- 1) Staff review and approve the site plan and building elevations before building permits are issued.
- 2) All site improvements shall be completed by May 12, 2009, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) The new chain-link fencing shall be black vinyl coated chain-link fencing.
- 4) Provision of additional landscaping on the north side of the building in lieu of windows and architectural detailing and as a graffiti prevention measure and to provide visual interest.

Attachments:

1. PDR report.
2. Letter from applicant.
3. Letter from neighborhood group.
4. Zoning map.
5. Site plan, floor plan, and elevations.
6. Photos and aerials.