

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ-4066

Date: June 16, 2008

Applicant: Washburn Center for Children

Addresses of Property: 2437 Nicollet Avenue

Project Name: Parking lot for Washburn Center for Children

Contact Person and Phone: Marcy Tollefson, (612) 872-3350

Planning Staff and Phone: Brad Ellis, (612) 673-3239

Date Application Deemed Complete: May 20, 2008

End of 60-Day Decision Period: July 21, 2008

Ward: 06 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: C1 Neighborhood Commercial District
 PO Pedestrian Oriented Overlay District

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Establishment of a Principal Parking Facility (Parking Lot) for employees of the Washburn Center for Children at 2430 Nicollet Avenue

Concurrent Review:

- **Conditional Use Permit** for a Principal Parking Facility
- **Site Plan Review**

Applicable zoning code provisions: Chapter 530 Site Plan Review, Chapter 541 Off-Street Parking and Loading, Chapter 548 Commercial Districts, and Chapter 551 Overlay Districts

Background:

The applicant is proposing a Principal Parking Facility (Parking Lot) on a vacant lot located at 2437 Nicollet Avenue. The lot is currently vacant. A Principal Parking Facility requires a Conditional Use Permit in the C1 Neighborhood Commercial District and triggers a site plan review per table 530-1 of the Minneapolis Zoning Ordinance, as well as the Preliminary Development Review (PDR) process

headed by Minneapolis Development Review. The project has been through PDR. The PDR Report is attached.

Per the applicant, the parking lot would serve as an additional accessory lot for the Washburn Center for Children located across the street at 2430 Nicollet Avenue. The Washburn Center for Children is a Child Care Center/Early Childhood Learning Center, and recently underwent an administrative site plan review for an expansion to the rear of their building (BZZ-2887). The applicant has indicated that this lot would serve primarily as employee parking to enable parents easier access to their services on site at 2430 Nicollet Avenue.

As of writing this staff report, staff has received correspondence from the neighborhood organization. While the neighborhood group is sensitive to the parking issues on Nicollet Avenue, it has some concerns about the use. Correspondence is attached. Staff will forward additional comments, if any, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT – for a Principal Parking Facility (Parking Lot)

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The new parking lot along a commercial corridor near an activity center should not be detrimental to or endanger the public health, safety, comfort 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.

Staff does not anticipate that the parking lot would be injurious to the use and enjoyment of the residential properties to the east or to the commercially zoned properties to the north and south.

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

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

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

The proposed lot will provide additional accessory parking for the Washburn Center for Children at 2430 Nicollet Avenue, minimizing congestion on the public streets. Per 551.140(f), the maximum number of accessory parking spaces for nonresidential uses shall not exceed 150 percent of the minimum required parking spaces in the PO Pedestrian Oriented Overlay District. The maximum accessory parking allowed for the Washburn Center for Children is 68 spaces total. The initial proposal had a total of 68 spaces between the two sites; the newest proposal has 69 spaces. The applicant will have to modify reduce parking by one space either on the lot at 2430 Nicollet Avenue, or at 2430 Nicollet Avenue. This can be handled by providing an additional handicapped accessible space. The subject site has sufficient maneuvering area for vehicles and loading. The proposed curb cut is 20 feet wide, meeting the maximum curb cut width in the PO Pedestrian Oriented Overlay District. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

The proposed use appears to be in conformance with the Minneapolis Comprehensive Plan as well as the Nicollet Avenue: The Revitalization of Minneapolis' Main Street Plan.

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Relevant Implementation Steps

Develop parking facilities and management strategies that balance the following goals: improved customer access, protection of sidewalk traffic; reduced visual impacts and shared use of parking facilities.

Ensure that parking structures and surface lots conform with identified design principles.

The proposed parking lot will meet the City of Minneapolis standards for screening and landscaping, as well as the PO Pedestrian Oriented Overlay District Standards.

4.7 Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character.

Relevant Implementation Step

Develop parking facilities and management strategies that accommodate high customer demand, promote shared facilities and minimize visual impact and adverse effects on pedestrian and sidewalk traffic.

The property in question is roughly a block away from an Activity Center, allowing for it to help provide parking for a use in the Activity Center. The Neighborhood group and staff have expressed some concern regarding the underutilization of the parcel. However, it will be providing additional parking for the Washburn Center for Children, and hopefully for another use as well. Staff is encouraging the applicant to enter into a shared parking agreement with a nearby use to help alleviate some of the parking pressures in the area, and to better utilize the parking lot.

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 Nicollet Franklin area of the PO Pedestrian Oriented Overlay District has a bicycle parking requirement that is currently not being met. The applicant will be required to provide an additional four (4) bicycle parking spaces as a result of the increased accessory parking. This should be done at the Washburn Center for Children at 2430 Nicollet Avenue. The applicant is meeting the other standards of the PO Pedestrian Oriented Overlay District including a maximum curb cut width of 20 feet, a maximum of 60 feet of parking lot frontage along Nicollet Avenue, and the maximum number of accessory spaces. As noted above in finding #4, the applicant shall provide a maximum of 68 spaces total between the lot at 2430 Nicollet Avenue and 2437 Nicollet Avenue.

If the applicant provides the required bicycle parking and receives approval for the site plan review, below, the use will conform to all applicable regulations of the zoning districts.

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 DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.

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- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
 - **The area between the building and the lot line shall include amenities.**
 - **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
 - **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
 - **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
 - **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
 - **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
 - **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
 - **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
 - **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
 - **Entrances and windows:**
 - **Residential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**

- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The applicant has proposed no buildings on site.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

There are no building entrances on site.

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

The applicant is proposing a new curb cut on Nicollet Avenue. The curb cut will be 20 feet wide, meeting the requirements of the PO Pedestrian Oriented Overlay District, minimizing conflicts with pedestrians. Staff considered the possibility of providing access off the alley only, eliminating the need for a curb cut. However, the additional traffic would have an adverse effect on the alley as well as on the multi-family residential across the alleyway from the site. In addition, if the applicant enters into a shared parking agreement with a commercial use, the access should be from Nicollet Avenue only. There will be no access to the platted alley to the rear of the property. In order to minimize conflict with between vehicular access and pedestrian traffic, staff believes the applicant should provide a pedestrian walkway to allow people accessing the parking lot to avoid walking in the curb cut. This walkway can either be along the curb cut on either side, or along the entire length of the north side of the parking lot.

PO Pedestrian Oriented Overlay District standards minimize the use of impervious surfaces by limiting the width of the parking lot, and the applicant's proposal meets these standards. The applicant is retaining the stormwater on-site with a rain garden proposed on the southwest portion of the property.

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.

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- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
 - All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
 - Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
 - The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. Per City records, the lot area of the property is 13,250 square feet and there are no existing buildings nor are any proposed. At least 20 percent of the net site area (2,650 square feet) must be landscaped and the applicant is providing 6,360 square feet, which equals 48 percent of the net site area. The site plan as proposed exceeds the required landscaping requirements.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The requirement for this site is five trees and 27 shrubs. The applicant is proposing seven trees and 148 shrubs along with 90 additional plants in a proposed rain garden area.

A seven-foot landscaped yard is required along the west side of the property facing Nicollet Avenue and on the east side of the property along the alley. The proposed site plan meets these setbacks, with the turn-around maneuvering area on the east side having seven feet of landscaping and the parking stalls having 13 feet of landscaping.

The applicant is required to provide one (1) tree per 25 feet of parking lot frontage. The parking lot is 60 feet long, requiring two (2) trees, which the applicant is providing.

All parking spaces are within fifty (50) feet of an on-site deciduous tree.

Screening is required along the west side of the property along Nicollet Avenue and along the alley to the east. The applicant is proposing a vinyl four foot fence along Nicollet and a vinyl six foot fence along the rear. The proposed fence along Nicollet does not meet the Eat Street Streetscape improvement fencing standards. As part of the Eat Street Streetscape improvement program, the City installed wrought iron fencing with brick pillars on all the surface parking lots along the “Eat Street” section of Nicollet Avenue. Staff is proposing the applicant match the fencing provided in the Eat Street Special Service District, and meet screening requirements through plantings. The six foot fence along the rear meets screening requirements.

Turf, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

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 applicant is providing discontinuous curbing to provide on-site retention and filtration of stormwater in a rain garden.

No new construction is proposed, so no views would be blocked and shadowing and wind currents would not be affected.

The site plan meets the crime prevention for environmental design standards. Lighting is provided along Nicollet Avenue into the parking lot. Fencing delineates public from private space. The site plan has been reviewed by the Police Department as part of the City’s Preliminary Development Review Process, and the Police found that it meets safety requirements.

There are no historic structures on or near 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 a Conditional Use in the C1 Neighborhood Commercial District.

Off-Street Parking and Loading: The Washburn Center for Children is currently just meeting its parking requirement at 2430 Nicollet Avenue. 45 spaces are required by the zoning code, and the applicant is providing 45 spaces on-site. The applicant proposing an additional 23 spaces at 2437 Nicollet Avenue, which just meets the 150 percent parking maximum of 68 spaces total as allowed by the PO Pedestrian Oriented Overlay District ($45 \times 1.5 = 67.5 = 68$ spaces).

Maximum Floor Area: The maximum FAR in the C1 Neighborhood Commercial District is 1.7. The applicant is not proposing a building.

Building Height: Building height in the C1 Neighborhood Commercial District is limited to two and one-half (2.5) stories or thirty-five (35) feet, whichever is less.

Minimum Lot Area: In the C1 Neighborhood Commercial District, parking facilities require a minimum lot area of 5,000 square feet and a minimum lot width of 40 feet. The lot at 2437 Nicollet Avenue has a lot area of 13,250 and a lot width of 106 feet.

Dwelling Units Per Acre: There are no existing or proposed dwelling units

Yard Requirements: There are no yard requirements

Specific Development Standards: There are no specific development standards for the proposed use.

Hours of Operation: In the C1 Neighborhood Commercial District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m.

Signs: Signs are subject to Chapters 109, 531 and 543 of the Minneapolis Ordinances. All new signs are required to meet the requirements of Chapter 543 and 551 of the zoning code. Per 531.150, parking lot signs have specific regulations. The applicant has not yet proposed signage for the site.

Refuse storage: There will be no refuse storage on the site.

Lighting: Lighting for the use must comply with Chapters 535 and 541 of the zoning code.

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.

There are existing lights along Nicollet Avenue.

MINNEAPOLIS PLAN: Please see the Conditional Use Permit section of this report.

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

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

No alternative compliance is recommended.

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 for a Principal Parking Facility located at 2430 Nicollet Avenue, 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. Four (4) bicycle parking spaces shall be provided, on the site of the principal use served, as required by section 551.155(1)(a).

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3. A maximum of sixty-eight (68) spaces total shall be provided between the site of the principal use (2430 Nicollet Avenue) and site of the additional accessory parking (2437 Nicollet Avenue), as required by section 551.140(f).
4. The applicant is encouraged to explore opportunities to enter into a shared parking agreement with a nearby use or uses in need of additional off-street parking.
5. The applicant shall work with Public Works to provide fencing that matches the fencing from the Eat Street Streetscape improvement program.

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a newly established Principal Parking Facility at 2430 Nicollet Avenue, subject to the following conditions:

1. CPED Planning staff review and approval of the final site and landscaping plans.
2. All site improvements shall be completed by June 16, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. A four (4) foot wide walkway shall be installed next to the curb cut on either side or along the entire length of the north side of the parking lot.

Attachments:

- 1) Statement of use
- 2) Statement of findings
- 3) Correspondence
- 4) Zoning map
- 5) Site plans
- 6) Fencing schematics
- 7) Photos of the site and surrounding area
- 8) PDR Report