

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances
BZZ – 2038

Date: November 8, 2004

Applicant: North Central University

Address of Property: 825 E. 14th St. (aka 1410 Elliot Ave. S.)

Project Name: North Central University

Contact Person and Phone: Jan Gill, Dennis Batty & Associates, (763) 560-6814

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: October 7, 2004

End of 60-Day Decision Period: December 6, 2004

Ward: 7 **Neighborhood Organization:** Elliot Park Neighborhood, Inc.

Existing Zoning: OR3

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 20

Legal Description: Not applicable for this application

Proposed Use: Building expansion

Concurrent Review:

Conditional use permit: Required for establishing or expanding university campus buildings

Variances:

- A variance to reduce the required front yard setback along 14th Street from 15 feet to 1 foot.
- A variance to reduce the required interior side yard along the public alley from 7 feet to 1 foot.
- A variance to increase the maximum lot coverage from 70 percent to 76 percent.
- A variance to increase the maximum impervious surface coverage from 85 percent to 92 percent.

Applicable zoning code provisions:

Table 547-1, Principal Uses in the Office Residence Districts

Table 547-2, Office Residence District Yard Requirements. Authorized variance from this requirement is 525.520(1)

547.140. Maximum lot coverage. Authorized variance from this requirement is 525.520(15)
547.150. Impervious surface coverage. Authorized variance from this requirement is 525.520(15)

Background: The applicant proposes to construct a two-story addition to an existing chapel building. The proposed 12,000+ square-foot addition would primarily include a recital hall and lobby space.

To offset concerns about the excess amount of impervious surface coverage proposed on the lot in question, the applicant proposes to landscape the university parking lot immediately to the west of the site. Note that improvements to the parking lot must comply with the landscaping and screening provisions of Chapter 530 of the zoning code and the parking spaces and drive aisles must meet the minimum dimensions of Chapter 541 of the zoning code.

The applicant has submitted a campus master plan as required by the zoning code.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit:

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

Expanding the existing building would not endanger public health, safety, or welfare provided the project complies with all applicable life safety standards. However, staff is recommending, through the setback variances, that the applicant revise the plan to allow a 15-foot site triangle measured from the point where the public alley and public sidewalk intersect. Also, in order to foster “eyes on the street” crime prevention strategies and to offset the impact of having a blank wall close to the public sidewalk, staff recommends that not less than 30 percent of the first floor façade (between two and 10 feet above grade) facing 14th Street include windows or glass doors. According to staff calculation, the design currently includes approximately 28.7 percent windows.

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.

Adjacent property is owned primarily by North Central University and includes land designated for future campus buildings. The addition is separated from other properties to the west by a public alley and is located adjacent to a vacated portion of Elliot Avenue, which is now controlled by the university. Planning Department staff does not anticipate that the addition would negatively affect enjoyment of or future development of the surrounding area.

3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.

The site is adequately serviced by city streets, utilities, water and sewer. The Public Works Department has reviewed the preliminary plan and will review the final plan for issues such as drainage and public facilities. The applicant will landscape and screen the parking lot to the west. In the process, the lot must be brought into compliance with minimum parking space and drive aisle dimensions (e.g., 18-foot deep stalls opening onto 22-foot drive aisles for 90-degree parking).

4. Will take measures to minimize traffic congestion in the public streets.

The site is located in a critical parking area where street parking is restricted by permit. Based on the information supplied by the applicant, the proposed recital hall simply includes new space for functions that already take place in the chapel. The recital hall addition would allow for the separation of chapel space and recital space, which are currently shared. Based on the information provided, the only significant increase in parking demand that would take place would be if the university were to have events that use both the recital space and the chapel space at the same time. The Public Works Department may request a Travel Demand Management plan from the applicant.

The campus complies with the minimum parking requirement for a university as required by Table 541-1 of the zoning code provided that the Commission has the authority to require additional parking through the conditional use permit process. The applicant has indicated that the university owns or leases 375 parking spaces. Based on data provided by the applicant, 282 spaces would be required unless the Commission requires additional parking.

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

The conditional use permit to allow an addition to the existing university building is consistent with the Minneapolis Plan, as follows:

Relevant Policy: **7.5** Minneapolis will protect and sustain its water resources.

Relevant Implementation Steps:

- Encourage practices that result in either reduced overall amounts of impervious surfaces, or disconnect impervious surfaces and allow water to be slowed or detained in vegetated areas where it will do no harm to homes or property.

Staff comment: While the applicant proposes to exceed the maximum permitted impervious surface area on the site, this will be offset by landscaping the existing parking lot to the west of the parcel.

Relevant 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.

Relevant Implementation Steps:

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

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

Staff comment: The scale and height of the project is well within the six-story (84-foot) maximum in the OR3 District.

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

Relevant Implementation Steps:

- Require the landscaping of parking lots.

Staff comment: The applicant intends to landscape the parking lot to the west of the parcel in question and must also landscape the edges of the parking lot located on the vacated portion of Elliot Avenue.

The City Council adopted the *Elliot Park Neighborhood Master Plan*. The university is one the several major institutional partners in the neighborhood. The site is located in a transition area between a central core district and a mixed use district in the neighborhood. The request to reduce the required amount of green space on the site is somewhat in conflict with policies in the plan that call for “greening” and “reforestation.” However, the applicant intends to offset this by landscaping a parking lot immediately west of the site. The neighborhood master plan calls for landscaping or redeveloping existing surface parking lots.

The proposal does not conflict with the *Downtown 2010* plan. The plan suggests, for example, that educational institutions should be located “in areas where they complement downtown’s primary functions of office, retail and housing, and where lost development potential for more intensive and tax-generating uses can be minimized.” The university is proposing to expand on land that is currently occupied by their chapel rather than seeking additional land in the Elliot Park neighborhood for the recital hall function.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p.

If all proposed land use/zoning applications are approved, the proposal will comply with all provisions of the OR3 District.

VARIANCES -

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

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.

Front yard along 14th: Complying with the required front yard setback would prevent the applicant from developing the property in a manner that is consistent with the predominant development pattern in the immediate area, a pattern that includes very shallow front yard setbacks.

Interior side yard along alley: The building is currently located within the interior side yard setback. The zoning code would prohibit the applicant from closely matching the existing side yard.

Maximum lot coverage: The applicant proposes to cover 76 percent of the lot with building area while the office residence districts allow 70 percent of a lot to be covered with a building or buildings. The building coverage limitation might effectively limit the applicant's options for separating the chapel use from the recital use on the site.

Maximum impervious surface coverage: The applicant proposes to cover 92 percent of the lot with impervious surfaces while the office residence districts allow 85 percent of a lot to be covered with impervious surfaces. A good portion of the impervious surface area would be covered by existing walkways and a vacated portion of Elliot Avenue that lie within the parcel in question.

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.

Front yard along 14th: The site is uniquely positioned in a location where front yard setbacks are quite shallow and adjacent to a commercial district that has no front yard setback requirement.

Interior side yard along alley: As noted above, the current side yard setback requirement would prevent the applicant from constructing an addition consistent with the existing side yard.

Maximum lot coverage: The particular location of the property line, located at the centerline of the vacated Elliot Avenue, contributes to the need for the variance. Considered within the larger context of the block, buildings appear to cover less than 70 percent of the overall area of the block.

Maximum impervious surface coverage: The applicant has indicated that complying with the maximum permitted impervious surface area would prevent separation of the chapel use from the recital hall use. The walkway connecting the entrance to the public sidewalk along 14th Street should be minimized (to eight feet or less) to minimize

impervious surfaces and comply with the walkway width rules of Table 535-1 of the zoning code.

- 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.**

Front yard along 14th: While staff is concerned that covering such a large portion of the lot may be inconsistent with the intent of the office residence district, granting the front yard setback variance would allow the building to be positioned similarly to other buildings in the area and would not violate any consistent pattern of greater setbacks on the block. However, because of the close proximity between the proposed building addition and the public sidewalk, landscaping opportunities are limited. In order to reduce the effect of a relatively solid wall so close to the public sidewalk, staff recommends that not less than 30 percent of the first floor façade (between two and 10 feet above grade) facing 14th Street include windows or glass doors. According to staff calculation, the design currently includes approximately 28.7 percent windows.

Interior side yard along alley: Granting the side yard setback variance would allow the applicant to closely approximate the existing side yard along the public alley.

Maximum lot coverage: The particular location of the property line, located at the centerline of the vacated Elliot Avenue, contributes to the need for the variance. Considered within the larger context of the block, buildings appear to cover less than 70 percent of the overall area of the block.

Maximum impervious surface coverage: Planning Department staff is concerned that significantly increasing the maximum impervious surface area would not be consistent with the intent of the office residence district and would not meet City objectives related to the management of stormwater. However, the applicant intends to mitigate this by adding landscaping to the parking lot to the west. Additionally, the applicant must bring the parking lot on the vacated portion of Elliot Avenue into compliance with current landscaping standards. Revisions must be made to the landscaping plan, including the width of the landscaped area and one tree should be planted for every 25 feet of parking lot frontage along the public streets. These improvements will partially offset the increase in impervious surface area on the site. The applicant is also considering a green roof that would slow the flow of stormwater and help to reduce the urban heat island. Given that the site is over one acre, the applicant should be in contact with the Public Works Department about submittal of a stormwater management plan.

- 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.**

Front yard along 14th: Expanding the existing building into the front yard setback would not endanger public health, safety, or welfare provided the project complies with all

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applicable life safety standards. One exception, however, may be in the area where the public alley intersects with the public sidewalk along 14th. Staff is concerned about inadequate sightlines and its affect on safety of pedestrians. Staff recommends that a 15-foot site triangle must be maintained where the alley meets the public sidewalk.

Interior side yard along alley: While the addition would closely match the location of the existing building within the side yard, constructing the addition close to the alley and close to the public sidewalk would create a hazard by restricting the site triangle within which vehicles could see pedestrians.

Maximum lot coverage: Covering six percent more of the lot than is normally allowed in the district would not affect public safety or welfare.

Maximum impervious surface coverage: While the applicant proposes to significantly exceed the maximum impervious surface area, the applicant will add permeable surface area to an adjacent lot to mitigate the environmental impact of hard surface area.

RECOMMENDATIONS

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 application for a conditional use permit to expand an existing university building located at 825 E. 14th St. (aka 1410 Elliot Ave. S.), subject to the following conditions:

1. Not less than thirty (30) percent of the first floor façade (between two and 10 feet above grade) facing 14th Street shall include transparent windows or doors.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Front Yard Variance along 14th St.:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required front yard setback along 14th Street from fifteen (15) feet to one (1) foot for a building addition located at 825 E. 14th St. (aka 1410 Elliot Ave. S.), subject to the following conditions;

1. A fifteen (15) foot site triangle shall be maintained where the alley meets the public sidewalk.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Interior Side Yard Variance along the Alley:

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the required interior side yard setback along the public alley from seven (7) feet to one (1) foot for a building addition located at 825 E. 14th St. (aka 1410 Elliot Ave. S.).

1. A fifteen (15) foot site triangle shall be maintained where the alley meets the public sidewalk.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Maximum Lot Coverage Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum permitted lot coverage from seventy (70) percent to seventy six (76) percent for a building addition located at 825 E. 14th St. (aka 1410 Elliot Ave. S.).

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Maximum Impervious Surface Coverage Variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to increase the maximum permitted impervious surface coverage from eighty five (85) percent to ninety two (92) percent for a building addition located at 825 E. 14th St. (aka 1410 Elliot Ave. S.), subject to the following conditions:

1. To offset creation of excessive impervious surface area, the parking lot located across the alley to the west and the parking lot located on the vacated portion of Elliot Avenue, which are under common ownership, shall be landscaped and screened consistent with section 530.160 of the zoning code until such time that the parking lots are redeveloped with a different use.
2. The walkway connecting the front entrance along 14th Street to the public sidewalk shall not exceed eight (8) feet in width as required by Table 535-1 of the zoning code.

Attachments:

1. Statements submitted by the applicant
2. Letters from the applicant to the council office and neighborhood group
3. Letter from the neighborhood association
4. Excerpts from *Elliot Park Neighborhood Master Plan*
5. Preliminary Plan Review (PPR) comments
6. Aerial photograph
7. Zoning map
8. Site/landscape plan
9. Site survey
10. Floor plans

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11. Elevations
12. Building renderings
13. Photos