

**Department of Community Planning and Economic Development – Planning
Division**

Expansion of a Non-Conforming Use, Variances and
Site Plan Review
BZZ-4637

Date: December 14, 2009

Applicant: Danebo Incorporated, 3030 West River Parkway South, Minneapolis, MN
55406, (612) 729-3000

Addresses of Property: 3030 West River Parkway South

Project Name: Danish American Center Addition at Danebo

Contact Person and Phone: Glen Olsen, 4747 Colfax Avenue South, Minneapolis, MN
55419, (612) 822-2212

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: November 18, 2009

End of 60-Day Decision Period: January 16, 2010

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

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1 (Single-family) District, R1A (Single-family) District, SH
(Shoreland Overlay) District, MR (Mississippi River) Critical Area Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 28

Lot area: 51,670 square feet or 1.19 acres

Legal Description: Not applicable for this application

Proposed Use: Construct 2,479 square foot building addition to the existing club/lodge
and expand the existing parking lot.

Concurrent Review:

- Expansion of a non-conforming use for an existing club/lodge.
- Variance to allow drive aisles and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway

South (east property line) as well as to allow parking between the principal structure and the front lot line.

- Variance to allow surface parking in the required interior side yard setback along the south property line.
- Site plan review for a 2,479 square foot building addition to The Danish American Center at Danebo.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures, Chapter 525, Article IX, Variances & Chapter 530 Site Plan Review.

Background: The applicant, Danebo Incorporated, proposes to construct a 2,479 square foot building addition to the existing structure located on the property at 3030 West River Parkway South. The property is zoned both R1 (Single-family) and R1A (Single-family) districts and a portion of the property is located in the SH (Shoreland Overlay) District and MR (Mississippi River) Critical Area Overlay District. Only a small portion of the site along the eastern edge is located within the SH overlay district; no proposed site improvements would be occurring in this area. The use of the property as a club/lodge is a non-conforming use in the R1 and R1A districts; therefore, an expansion of a non-conforming use is required in order to construct the building addition and associated site improvements. The proposed building addition requires no variances, however, the proposed parking lot expansion requires the following variances: (1) variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway South (east property line) as well as to allow parking between the principal structure and the front lot line; and (2) variance to allow surface parking in the required interior side yard setback along the south property line. Additionally, site plan review is required.

Danebo Incorporated has owned the property at 3030 West River Parkway South since it was founded in 1923. The Danebo building was completed in 1924 by the Twin Cities Danish ethnic community and was further expanded to its present size in 1962. The Danebo building has been used as a home for seniors as well as a gathering place for the Danish community and Danish cultural activities. In 2005, the residence program for seniors was discontinued and a corporate change in purpose was completed to retain Danebo's cultural program as the primary use. A wide variety of events, programs, exhibits and activities are held at Danebo. Space is also provided for members and affiliate member organizations to meet. The proposed project would not result in a change to the events and activities but would provide better facilities. The project would result in the removal of existing outbuildings including a garage, storage/trash shed and pavilion which would be replaced with the proposed addition to the existing building.

A similar proposal (BZZ-3637) for the site was approved by the Planning Commission on July 16, 2007, and included the following approvals: expansion of a legal non-conforming use as a club/lodge; a variance to allow driveways and surface parking in the required front yard setback along 48th Ave S (west property line) as well as to allow parking between the principal structure and the front lot line for property; a variance to allow drive aisles and surface parking in the required front yard setback along West River

Pkwy S (east property line) to allow parking between the principal structure and the front lot line; a variance to allow surface parking in the required interior side yard setback along the south property line; a variance of the off-street parking requirement from 147 to 32 spaces; and site plan review for a 7,330 square foot building addition. The primary differences between the current proposal and the former proposal are that no off-street parking variance is required and the proposed building expansion is considerably smaller. The approvals for the project expired on June 16, 2009; thus the applicant must reapply for the applicable land use applications in order to proceed with the development.

Staff has not received official correspondence from the Longfellow Community Council prior to the printing of this report. Neighborhood letters received are attached for reference. Any correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

EXPANSION OF A LEGAL NONCONFORMING USE – for an existing club/lodge.

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development - Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

(1) A rezoning of the property would be inappropriate.

The property is located within a residential area where the majority of the properties are zoned R1 or R1A. Rezoning the property to a higher zoning classification which allows clubs/lodges, such as a commercial or office residential zoning classification would not be appropriate for this property within the context of the surrounding area.

(2) The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The proposed building addition would be compatible with the adjacent property and with the neighborhood located in the immediate vicinity. The club/lodge is adjacent to the Minnehaha Academy South Campus and has operated on the subject site since 1924.

(3) The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The proposed expansion of the use to allow a 2,479 square foot building addition would not be expected to result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors and parking congestion. The current programs, events and activities would not be increased as a result of the expansion. The expansion is necessary in order to overcome a problematic entrance and to correct some building code related issues. The applicant is also proposing to construct additional off-street parking on the site to mitigate any potential parking issues. Additionally, the applicant contends that Danebo has an informal agreement with Minnehaha Academy for additional off-street parking when needed.

- (4) The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

The expansion of the use would result in the addition of 2,479 square feet to the existing structure on site. Further, a garage, storage/trash shed and pavilion would be removed as a result. Staff would argue that allowing the expansion of the non-conforming use would result in improvements to the property including the provision of additional off-street parking and landscaping.

- (5) In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

Not applicable.

- (6) The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The site is not located in a Floodway District.

VARIANCES – (1) Variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway South (east property line) as well as to allow parking between the principal structure and the front lot line; (2) Variance to allow surface parking in the required interior side yard setback along the south property line.

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 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.**

Variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway South (east property line) as well as to allow parking between the principal structure and the

front lot line: The subject parcel is irregularly shaped as the property is triangular with two front yards. Due to the split zoning (R1 and R1A) on the subject parcel the property is subject to the more restrictive setback requirement of 25 feet along both frontages. Based on the configuration of the existing building and the proposed addition which meets the required setbacks, the location of parking on site is limited. Planning Staff believes that it would be difficult to put the property to a reasonable use under the conditions allowed and that strict adherence to the regulations of the zoning ordinance would cause undue hardship as the applicant would be unable to provide any additional parking without exceptions from these standards.

To allow surface parking in the required interior side yard setback along the south property line: There are two existing parking spaces located within the required interior side along the south property line. A variance is required as the parking lot would be reconstructed as part of the project and the applicant proposes to relocate the two parking spaces in the required yard. With the site constraints, and limited space available to provide off-street parking on the site, Planning Staff believes that relocating the existing parking spaces as part of the parking lot reconstruction in the identical location is reasonable and that strict adherence to the regulations of the zoning ordinance would cause undue hardship as the applicant would be unable to continue to utilize those two spots for parking.

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.

Variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway South (east property line) as well as to allow parking between the principal structure and the front lot line: The circumstances are unique to the parcel of land for which the variance is being sought. As previously mentioned, the site is triangular in shape with two front yards and one interior side yard. With the proposed addition to the existing structure, the location where parking could be provided on site is limited. If the proposed variances to allow parking in the required front yards and between the principal structure and the front lot line were not to be approved, no additional parking to meet the demand could be practically provided on the subject site.

To allow surface parking in the required interior side yard setback along the south property line: The circumstances are unique to the parcel of land as the applicant is attempting to balance providing as much parking as possible on a triangular parcel which contains an existing building and some existing parking. As previously mentioned, there are two existing parking spaces located in the interior side yard along the south property line. The existing portion of the parking lot would need to be reconstructed as a result of the proposed addition. Granting a variance to continue to allow two parking spaces within the required interior side yard would be appropriate.

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.

Variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway South (east property line) as well as to allow parking between the principal structure and the front lot line: The granting of the variance to allow driveways and surface parking within the required front yards as well as to allow parking between the principal structure and front lot line would be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The proposal to incorporate additional off-street parking is meant to keep potential associated vehicles out of the residential neighborhood. Not granting the above listed variances would preclude additional parking from being provided in the only logical and available portions of the subject site when considering potential future development. Further, the applicant would be providing additional landscaping and screening as mitigation to meet the intent of the ordinance.

To allow surface parking in the required interior side yard setback along the south property line: The granting of the variance to allow surface parking in the required interior side yard setback along the south property line would be keeping with the spirit and the intent of the ordinance and would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The two parking spaces are currently located in the interior side yard and with the reconstruction of the parking lot during construction a variance is required to relocate them in the same spot.

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.

Variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) and West River Parkway South (east property line) as well as to allow parking between the principal structure and the front lot line: The proposed parking setback and location variances would not result in an increase in the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

To allow surface parking in the required interior side yard setback along the south property line: The proposed parking setback variance would not result in an increase in the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the 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, windows, and active functions:
 - 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.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.**

The existing principal structure is located on the southeastern portion of the site adjacent to Park Board property and West River Parkway South. The proposed addition would be located at the interior of the site. In order to allow for the proposed building addition, several existing outbuildings including a garage, a storage/trash shed and a pavilion would need to be removed. The subject parcel is triangular in shape and has two front yards and one interior side yard. The existing structure has a principal entrance facing both public streets; however, due to site constraints and the fact that no public sidewalks directly abut the site, it is not located directly adjacent to public sidewalks. The site still facilitates pedestrian access and circulation. The proposed addition would have a

principal entry at an adequate angle that faces the expanded surface parking lot as well as the 48th Avenue South street frontage, however, would also not be directly adjacent to a public sidewalk as there is no public sidewalk along 48th Avenue South. The proposed addition would likely not have much of an impact along 48th Avenue South as it relates to reinforcing the street wall, however, it would provide additional ground level windows on the north, south, and west elevations thus maximizing natural surveillance. The area between the proposed addition and the public street would have new tree plantings and other vegetation. The existing principal structure is not located within 8 feet of the front lot line as a greater yard of 25 feet is required adjacent to West River Parkway South and the proposed addition located on the opposite side of the site but adjacent to a front yard along 48th Avenue South would also not be within 8 feet of the front lot line as a greater yard of 25 feet is also required. Alternative compliance would be necessary as the building addition is located at a distance further than the required setback of 25 feet. Based on the configuration of the existing principal building, site constraints, and location relative to residential uses, Staff does not believe that it is practical to require that the building addition be located 25 feet from the front lot line. Due to the location of the proposed parking facilities on site, alternative compliance is also necessary from the requirement that parking facilities shall be located to the rear or interior of the site. Planning Staff believes that it is not practical for the proposal to meet this requirement and will recommend that the Planning Commission grant alternative compliance.

The proposed design of the single story building addition would incorporate windows at the first floor, predominantly at the north and south elevations. At least 30% of the first floor façade that faces a public street, sidewalk, pathway or on-site parking lot shall be windows. The proposed addition meets this requirement along the proposed north elevation as 40% are provided. Further the windows along the north elevation are vertical in proportion and distributed in a more or less even manner. Along the west elevation adjacent to a portion of the on-site parking lot, the elevation does not meet the window requirement as approximately 27% are provided along that frontage. The windows are vertical in proportion, however, are not distributed in a more or less even manner. Alternative compliance would be necessary. Planning Staff believes that it is practical to require that the proposed west elevation should comply not only with the window requirement but also be evenly distributed as the programmed space according to the floor plan is an open lobby. All ground level windows must be transparent (non-reflective). The 10% window requirement on upper floors facing the public streets is not applicable for the proposed addition. There are no blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements.

The exterior materials would be compatible on all sides of the proposed building addition. The applicant is proposing that the exterior of the structure be composed of stucco and stone. No EIFS shall be permitted.

The proposed lobby addition incorporates ground level active functions that meet the standards outlined in Chapter 530 of the Zoning Code.

The proposed building form and the pitch of the roof lines are generally compatible with

the area as the site is located within a predominantly residential neighborhood. The proposed roof line is flat. A single-story building addition would be compatible with the existing structure on site as well as with other structures in the vicinity.

All proposed parking for the development would be provided in an expanded surface parking lot located adjacent to 48th Avenue South. The applicant proposes to provide a total of 32 parking spaces.

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 public sidewalks located directly adjacent to the site. Therefore, no principal entrances are directly connected to the public sidewalk, however, on site walkways are provided adjacent to the building entries.

There are no transit shelters within the development. The site is not immediately adjacent to a transit stop; however, it is in relative close proximity to bus lines that run along Lake Street East.

The existing and proposed elements of the development have been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There is no public alley adjacent to the site.

The site has been designed to minimize the use of impervious surfaces through a combination of open space and ground level landscaping. According to the submitted plans, over half of the site consists of pervious materials. Further, the applicant has designed the site so that the expanded surface parking lot on the west side of the site along 48th Avenue South accommodates diagonal parking, and a one-way drive aisle which results in less impervious surfaces.

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, 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 proposal meets the 20% landscape requirement. The total site area is 51,670 square feet and the existing building footprints (existing and proposed) on the site would be approximately 22,345 square feet. A total of 5,865 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing 25,994 square feet of ground level landscaping or approximately 49% of the site not occupied by buildings and other impervious surfaces on site. The zoning code requires that there be at least 12 trees and 59 shrubs planted on the site. The applicant is proposing to install 9 new canopy trees and 67 shrubs. Alternative compliance would be necessary for the canopy tree quantity requirement. There are existing trees on site that would remain and some that would be removed as a result of the proposal. One large ash tree in the location of the new addition would be removed as well as one pine tree (which is next to another pine tree to remain) along 48th Avenue South. Additionally, one tree would be removed in order to create the new exit from the surface parking lot, for a total of three trees that would be removed as a result of the development proposal. The applicant also proposes to relocate two smaller memorial trees that are located within the proposed surface parking lot. The landscape plan also includes 19 ornamental trees, annual and perennial flower beds as well as native plants and grasses. Staff believes that the proposed landscape plan provides adequate landscaping in conjunction with all of the existing vegetation on the premises. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the plan meets the intent of the landscaping provisions.

Landscaped yards and screening are required as the subject parcel fronts on two public streets. A portion of the parking along both frontages complies with the minimum 7 foot landscaped yard, however, there are small portions which do not; more specifically some of the parking spaces on the far northeastern side of the site adjacent to West River Parkway South as well the parking spaces on the far southwestern side of the site. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the majority of the parking lot conforms to the requirement, and requiring compliance would result in the reconfiguration of the parking lot along 48th Avenue South, and likely the elimination of the parking lot on the south side of the site. The screening requirement is being met along the West River Parkway South frontage, but not technically along the 48th Avenue South frontage as a 3 foot berm is proposed in lieu of fencing and a hedge. Alternative compliance would be required. Planning Staff will recommend that that the Planning Commission grant alternative compliance in this circumstance given the location of the subject site and the contextual surroundings. A 3-foot tall earthen berm with canopy trees, ornamental trees and native grasses would be a suitable alternative, contribute to the natural appearance of the site and would meet the intent of the ordinance provision.

Not less than one tree must be provided for each twenty-five linear feet of parking or loading area lot frontage. The proposal meets this requirement. 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. The proposed plan meets this requirement. Further, tree islands located within the interior of parking lots shall have a minimum width of seven (7) feet in any direction. This provision is not applicable for the proposed development.

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.**

Parking is being provided on-site in an expanded surface parking lot. Access to the site is located directly off of 48th Avenue South. The water drainage on site has been designed so as not to drain onto any adjacent lots. The rain garden shall accommodate drainage from the parking lot.

Staff will work with the applicant to ensure that adequate site lighting is addressed and located for safety and security purposes but also sensitively designed so as not to have negative impacts on the adjacent residential properties.

The proposed building expansion would not be expected to result in significant blocking of views, shadowing of public space or adjacent properties. The proposed addition would also not be expected to have significant impacts on light, wind and air in relation to the surrounding area.

The existing building is not in a historic district or individually listed.

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 existing and proposed use of the site is non-conforming in the R1 and R1A districts.

- **Specific Development Standards for a club or lodge:** In the office residence districts, clubs and lodges shall have a minimum of twelve thousand (12,000) square feet of gross floor area.

This specific development standard is not applicable for the development. With the approval of the expansion of a non-conforming use, variances, and site plan review, this development would meet the requirements of the R1 and R1A zoning district.

Parking and Loading:

Minimum automobile parking requirement: There are currently 20 parking spaces for the existing building; all additional required parking has been grandfathered. Three of the existing spaces must be removed as they are located on the adjacent property. The proposed 2,479 square foot building addition requires an additional 5 parking spaces per Chapter 541 standards as 1 space per square foot of gross floor area excluding rooming units plus 1 space per rooming unit is required for club/lodges. The applicant is providing a total of 32 parking spaces on the property.

Maximum automobile parking requirement: The maximum parking requirement for club/lodges is 1 space per 100 square feet of gross floor area excluding rooming units plus 1 space per rooming unit. When considering the size of the proposed addition at 2,479 square feet, the maximum parking requirement would be an additional 25 off-street parking spaces beyond those that are grandfathered. The applicant is providing a total of

32 off-street parking spaces in the existing surface parking lot or an additional 15 off-street parking spaces beyond the 17 that would be retained.

Bicycle parking requirement: Club/lodges have a minimum bicycle parking requirement of 3 spaces. Not less than 50% of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

The applicant is in compliance with the number of bicycle parking spaces as a total of 8 are provided on the premises. The applicant would however be required to relocate at least 2 spaces to meet the above listed short-term bicycle parking standards.

Loading: The loading requirement for the development is grandfathered. The proposed addition does not require a loading space.

Dumpster screening: 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. As proposed the dumpster would be located in a fairly visible location within the larger surface parking lot adjacent to 48th Avenue South. Planning Staff will work with the applicant to relocate the dumpster to a more appropriate and less conspicuous location on the premises.

Signs: Any new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Lighting: The applicant is proposing some additional lighting on the site within the expanded surface parking lot as well as ceiling and wall mounted fixtures on the proposed building addition. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Maximum Floor Area: Not applicable for the proposed development. However, the maximum F.A.R. for all structures located on the property is the gross floor area of the buildings (existing and proposed addition) which is 22,269 square feet divided by the area of the lot which is 51,670 square feet. The outcome is .43.

Minimum Lot Area: Not applicable for the proposed development.

Dwelling Units per Acre: Not applicable for the proposed development.

Height: Maximum building height for all principal structures located in the residential districts and in the Shoreland Overlay District is 2.5 stories, not to exceed 35 feet. The proposed addition would comply with this limitation. The existing structure is 3 stories or 38 feet tall.

Yard Requirements: The required yards are as follows (based on the most restrictive zoning classification – R1):

Front - along the east property line (West River Parkway South) and west property line (48th Avenue South): 25 feet

Interior side yard (6+2x): 10 feet

Rear yard (5+2x): Not applicable

Building coverage: The maximum building coverage in the R1 and R1A Districts is 50 percent. Buildings would cover approximately 13.7 percent of the lot.

Impervious surface area: The maximum impervious surface coverage in the R1 and R1A Districts is 65 percent. Impervious surfaces would cover approximately 49.7 percent of the site.

The Minneapolis Plan for Sustainable Growth:

The proposal to expand the existing club/lodge is consistent with the relevant provisions of The Minneapolis Plan for Sustainable Growth, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan..” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development”.

Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation step: (1.4.4) “Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.”

Urban Design Policy 10.8 of *The Minneapolis Plan for Sustainable Growth* states, “Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.”

The proposal to allow a 2,479 square foot building expansion to an existing club/lodge would reinforce the above listed policies and implementation steps.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The Mississippi River Critical Area Plan was adopted by the City Council on June 16, 2006, and according to the map the subject site is located within the plan area. According to the plan, the general land use policies emphasize improving public access to and movement along the banks of the river, creating more park space, enhancing river-oriented recreation opportunities, reducing the amount of industry and open storage, attracting development that is compatible with the river, protecting natural features, and reducing adverse visual impacts. The plan intends to strike a balance between protection and utilization of river related resources. The subject parcel is located within an area designated as the Lower Gorge. The plan states that the Lower Gorge is the least-changed section of the river and that the steep, heavily wooded bluffs retain much of their original character. An applicable land use policy as it applies to the subject proposal for the Lower Gorge is that the plan encourages the conservation and protection of the existing and potential recreational, scenic, natural, and historic resources and uses within this district.

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 being requested by the applicant to meet the following standards:

- **Building placement subject to a greater yard requirement:** The existing principal structure is not located within 8 feet of the front lot line as a greater yard of 25 feet is required adjacent to West River Parkway South and the proposed addition located on the opposite side of the site but adjacent to a front yard along 48th Avenue South would also not be within 8 feet of the front lot line as a greater yard of 25 feet is required. Alternative compliance would be necessary as the building is located at a distance further than the required setback of 25 feet. Based on the configuration of the existing principal building, site constraints, and location relative to residential uses, Staff does not believe that it is practical to require that the building addition be located 25 feet from the front lot line.
- **Parking facilities shall be located to the rear or interior of the site:** Due to the location of the proposed parking facilities on site, alternative compliance is also necessary from the requirement that parking facilities shall be located to the rear or interior of the site. Planning Staff believes that it is not practical for the proposal to meet this requirement and will recommend that the Planning Commission grant alternative compliance in this circumstance.
- **30% window requirement facing an on-site parking lot and distribution of windows in vertical proportion in a more or less even manner:** Along the west elevation adjacent to a portion of the on-site parking lot, the elevation does not meet the window requirement as approximately 27% are provided along that frontage. The windows are vertical in proportion, however, are not distributed in a more or less even manner. Alternative compliance would be necessary. Planning Staff believes that it is practical to require that the proposed west elevation should comply not only with the window requirement but also be evenly distributed as the programmed space according to the floor plan is an open lobby.
- **Landscaping quantities:** The zoning code requires that there be at least 12 trees and 59 shrubs planted on the site. The applicant is proposing to install 9 new canopy trees and 67 shrubs. Alternative compliance would be necessary for the canopy tree quantity requirement. There are existing trees on site that would remain and some that would be removed as a result of the proposal. One large ash tree in the location of the new addition would be removed as well as one pine tree (which is next to another pine tree to remain) along 48th Avenue South. Additionally, one tree would be removed in order to create the new exit from the surface parking lot, for a total of three trees. The applicant also proposes to relocate two smaller memorial trees that are located within the proposed surface parking lot. The landscape plan also includes 19 ornamental trees, annual and perennial flower beds as well as native plants and grasses. Staff believes that the proposed landscape plan provides adequate landscaping in conjunction with all of the existing vegetation on the premises.

Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the plan meets the intent of the landscaping provisions.

- **Required landscaped yards and screening:** Landscaped yards and screening are required as the subject parcel fronts on two public streets. A portion of the parking along both frontages complies with the minimum 7 foot landscaped yard, however, there are small portions which do not; more specifically some of the parking spaces on the far northeastern side of the site adjacent to West River Parkway South as well the parking spaces on the far southwestern side of the site. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this circumstance as the majority of the parking lot conforms to the requirement, and requiring compliance would result in the reconfiguration of the parking lot along 48th Avenue South, and likely the elimination of the parking lot on the south side of the site. The screening requirement is being met along the West River Parkway South frontage, but not technically along the 48th Avenue South frontage as a 3 foot berm is proposed in lieu of fencing and a hedge. Alternative compliance would be required. Planning Staff will recommend that that the Planning Commission grant alternative compliance in this circumstance given the location of the subject site and the contextual surroundings. A 3-foot tall earthen berm with canopy trees, ornamental trees and native grasses would be a suitable alternative, contribute to the natural appearance of the site and would meet the intent of the ordinance provision.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of a legal non-conforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a 2,479 square foot expansion of a legal non-conforming use as a club/lodge on the property located at 3030 West River Parkway South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow driveways and surface parking in the required front yard setback along 48th Avenue South (west property line) as well as to

allow parking between the principal structure and the front lot line for property located at 3030 West River Parkway South subject to the following condition:

1. No parking spaces may extend beyond the property line.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow driveways and surface parking in the required front yard setback along West River Parkway South (east property line) as well as to allow parking between the principal structure and the front lot line for property located at 3030 West River Parkway South.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to allow surface parking in the required interior side yard setback along the south property line for property located at 3030 West River Parkway South.

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

The Department of 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 property located at 3030 West River Parkway South subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by December 14, 2010 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Modification of the west elevation to comply with the 30% window requirement and even distribution of windows per Section 530.120 of the Zoning Code.
4. All ground level windows must be transparent (non-reflective) as required by Section 530.120 of the Zoning Code.
5. No EIFS shall be utilized on the exterior of the building addition.

6. A minimum of two bicycle parking spaces shall be relocated to meet the short-term bicycle parking standards as outlined in Section 541.180 of the Zoning Code.
7. Planning Staff will work with the applicant to relocate the dumpster on the subject site. Details of the enclosure must be provided in the final plan sets and the materials utilized must be compatible with those located on the building.
8. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.

Attachments:

1. Description of project and findings
2. Correspondence including neighborhood letters
3. Zoning map
4. Plans – site survey, site plan, floor plans, elevations, landscape plans
5. Photos