

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

Variances and Site Plan Review
BZZ-4530

Date: September 14, 2009

Applicant: ME & EWE, LLC, Attn: E Ward Eames, 1415 Angelo Drive, Golden Valley, MN 55422, (612) 341-0882 x 204

Addresses of Property: 2733 Park Avenue

Project Name: NTC Expansion (National Theatre for Children)

Contact Person and Phone: The Foundation Architects, Attn: Bob Shaffer, 212 3rd Avenue North #460, Minneapolis, MN 55401, (612) 340-5430

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

Date Application Deemed Complete: August 14, 2009

End of 60-Day Decision Period: October 12, 2009

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

Ward: 6 **Neighborhood Organization:** Phillips West Neighborhood

Existing Zoning: OR2 (High Density Office Residence) District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 25

Lot area: 51,252 square feet or 1.18 acres

Legal Description: Not applicable for this application.

Proposed Use: Expand an existing office/educational arts center.

Concurrent Review:

- Variance of the front yard setback adjacent to the west property line along Park Avenue for the proposed building addition.
- Variance of the front yard setback adjacent to the east property line along Columbus Avenue to reestablish parking in the required yard.
- Variance to reestablish a surface parking lot between a principal structure and the front lot line.

- Site plan review for a 2-story (1-floor), 22 foot tall addition to an existing office/educational arts center use located in the OR2 (High Density Office Residence) District.

Applicable zoning code provisions: Article IX, Variances, Chapter 530 Site Plan Review.

Background: The applicant proposes to construct a new 2-story (1-floor) building addition to an existing office/educational arts center located on the property at 2733 Park Avenue. The property is zoned OR2 and both office uses and educational arts centers are permitted uses. Educational arts centers are subject to specific development standards. A variance is necessary for the proposed building addition which would be located on the south side of the site as the property is subject to a to a front yard increase per Section 547.160(b) of the Zoning Code adjacent to the Park Avenue frontage. Two additional variances are required in order to reestablish the surface parking lot that would be located on the east side of the site adjacent to Columbus Avenue. One to allow parking within a required front yard as the property is subject to another front yard increase per Section 547.160(b) of the Zoning Code. The other variance is necessary in order to reestablish the surface parking lot between the principal structure and the front lot line. Site plan review is also required.

The proposed project would allow a single floor, or two-story expansion to the existing single story structure on the site. The building expansion would add 3,630 square feet to the first floor as well as a full basement for a total of 7,258 gross square feet. The addition would allow for two additional rehearsal spaces, administrative offices and storage space. The additional site improvements would include a new parking lot, underground storm water storage tanks and new landscaped areas.

Staff has received correspondence from the Phillips West Neighborhood which has been attached for reference. All emails/letters received prior to the Planning Commission meeting will be forwarded on for consideration.

VARIANCE – (1) Variance of the front yard setback adjacent to the west property line along Park Avenue to approximately 74 feet for the proposed building addition; (2) Variance of the front yard setback adjacent to the east property line along Columbus Avenue to approximately 35 feet in order to reestablish parking in the required yard; (3) Variance to reestablish a surface parking lot between a principal structure and the front lot line.

Findings as Required by the Minneapolis Zoning Code for the 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.**

Variance of the front yard setback adjacent to the west property line along Park

Avenue: The property could likely be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning code would cause undue hardship. Typically the property would be subject to a 15 foot front yard setback requirement. However, on the property to the north of the site is a residential structure that is located approximately 100 feet from the west property line. Therefore the property is subject to a front yard increase per Section 547.160(b) of the Zoning Code. The existing structure is located approximately 74 feet from the west property line. The applicant proposes to construct a new addition on the south side of the site which would be approximately 74 feet at the closest point from the west property line. The majority of the proposed addition would be further recessed; however the projection ends of the addition are located at 74 feet. The addition would not extend any further west than the existing building face. The proposed setback reduction would still maintain the character of the existing area along the Park Avenue frontage. The existing structure and proposed addition is aligned with the existing office building to the south of the site.

Variance of the front yard setback adjacent to the east property line along Columbus Avenue to reestablish parking:

The property could likely be put to a reasonable use under the conditions allowed; however, strict adherence to the regulations of the zoning code would cause undue hardship. Typically the property would be subject to a 15 foot front yard setback requirement. However, on the property to the north of the site is a residential structure that is located approximately 44 feet from the east property line. Therefore, the property is subject to a front yard increase per Section 547.160(b) of the Zoning Code. The existing structure and the proposed addition complies with the front yard increase, however, the surface parking lot that the applicant intends to reestablish and improve as part of the project would and currently encroaches into the required front yard. The surface parking lot as proposed is located approximately 35 feet from the east property line at the closest point. The existing parking lot is approximately 39 feet the east property line. Given the fact that a surface parking lot currently exists in nearly the same location as the proposed parking lot, and considering the added benefits (storm water management, landscaping, etc.) that will result due to the reconfiguration of the parking lot, Planning Staff believes that granting the variance is a reasonable request.

Variance to reestablish a surface parking lot between a principal structure and the front lot line:

The property could likely not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of the zoning code would cause undue hardship. In the residential and office residence districts parking is prohibited between the principal structure and the front lot line. The subject parcel is a through lot and therefore has two designated front yards but no rear yard. The applicant proposes to replace the existing parking lot with a new parking lot in virtually the same location. Requiring the removal of this parking area would eliminate a significant amount of required and needed parking that could not be reasonably located elsewhere on the subject property due to the layout of the site and location of the existing building.

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 of the front yard setback adjacent to the west property line along Park Avenue: The circumstances are unique to the parcel of land for which the variance is being sought as the property is a through lot with two designated front yards and is additionally subject to two front yard increases per Section 547.160(b) of the Zoning Code as a result of the existing residential structure located to the north of the subject site. The existing structure is located near the center of the site and is aligned with the office building to the south. The proposed addition would not extend any further west than the existing building face. The proposed setback reduction would still maintain the character of the existing area along the Park Avenue frontage. Allowing the front yard variance due to the uniqueness of the site seems a reasonable use of the subject parcel.

Variance of the front yard setback adjacent to the east property line along Columbus Avenue to reestablish parking: The circumstances are unique to the parcel of land for which the variance is being sought as the property is a through lot with two designated front yards and is additionally subject to two front yard increases per Section 547.160(b) of the Zoning Code as a result of the existing residential structure located to the north of the subject site. The applicant proposes to replace the existing parking lot with a new parking lot in virtually the same location. Requiring that the reestablished parking area conform to the required front yard setback would eliminate a significant amount of required and needed parking that could not be reasonably located elsewhere on the subject property due to the layout of the site and location of the existing building.

Variance to reestablish a surface parking lot between a principal structure and the front lot line: The circumstances are unique to the parcel of land for which the variance is being sought as the subject site is a through lot and therefore has two designated front yards but no rear yard. The applicant proposes to replace the existing parking lot with a new parking lot in virtually the same location. Requiring the removal of this parking area would eliminate a significant amount of required and needed parking that could not be reasonably located elsewhere on the subject property due to the layout of the site and location of the existing building. The proposed variance would allow a reasonable use of the property.

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 of the front yard setback adjacent to the west property line along Park Avenue: Granting the front yard setback variance would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the setback variance for the proposed building addition would likely not alter the essential character of the locality or

be injurious to the use or enjoyment of other property in the vicinity. The addition would not extend any further west than the existing building face. The proposed setback reduction would still maintain the character of the existing area along the Park Avenue frontage. The existing structure and proposed addition is aligned with the existing office building to the south of the site which is an appropriate use of the subject site.

Variance of the front yard setback adjacent to the east property line along Columbus Avenue to reestablish parking: Granting the front yard setback variance to allow parking to be reestablished in nearly the same location as the existing surface parking lot would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the setback variance would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Given the fact that a surface parking lot currently exists in nearly the same location as the proposed parking lot, and considering the added benefits (storm water management, landscaping, etc.) that will result due to the reconfiguration of the parking lot, Planning Staff believes that granting the variance is appropriate in this circumstance.

Variance to reestablish a surface parking lot between a principal structure and the front lot line: Granting the variance to reestablish a surface parking lot between the principal structure and the front lot line would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the variance would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The intent of the ordinance is to preserve pedestrian friendly residential character within residential areas. Because the variance will allow for the reestablishment of a parking lot in virtually the same location as the existing parking lot, and because there are no other alternatives except the elimination of required and needed parking, the variance will not circumvent the intent of the ordinance.

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 of the front yard setback adjacent to the west property line along Park Avenue: Staff believes that the granting of the front yard variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback reduction be detrimental to welfare or public safety.

Variance of the front yard setback adjacent to the east property line along Columbus Avenue to reestablish parking: Staff believes that the granting of the front yard variance would likely have little impact on the congestion of area streets or fire safety, nor would the proposed setback reduction be detrimental to welfare or public safety. The applicant proposes to reestablish a surface parking in essentially the same location as the existing parking lot.

Variance to reestablish a surface parking lot between a principal structure and the front lot line: Staff believes that the granting of the variance to reestablish parking

between the principal structure and front lot line would likely have no impact on congestion of area streets or fire safety, nor would the request be detrimental to welfare or public safety. The variance will allow the site to continue to meet its required parking. It is possible that denying the variance could cause an increase in traffic congestion in the public streets.

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.
- 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 531.20 of the zoning code.

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

The development is located on a through lot, so the development is subject to two front yard setback requirements. Further, the site is subject to two front yard increases per Section 547.160(b) of the Zoning Code. Variances are being sought to relax these requirements. There is an existing structure on the premises that is located approximately 74 feet from the west property line. The property is subject to a setback requirement of approximately 100 feet. The applicant proposes to construct a building addition that would match into the setback of the existing structure at 74 feet. On the east side of the site, the building is compliant with the setback requirement of approximately 44 feet; however, the parking lot that the applicant proposes to reconstruct is located within the required yard. The existing structure has a principal entrance that faces the south lot line, or interior side yard. The proposed addition would include a link resulting in new

entrances that would face both street frontages and walkways would connect to the public sidewalk along Park Avenue and to the parking lot on the east side of the site. There is no walkway connection to the public sidewalk along Columbus Avenue South. Planning Staff will recommend that a walkway connection be provided as part of the final plans in order to facilitate pedestrian access and circulation. The building maximizes natural surveillance. The area between the structure and the public streets would have new shrub and tree plantings. On-site accessory parking facilities are required to be located to the rear or interior of the site, within the principal building served, or entirely below grade. Alternative compliance would be required based on the proposal. As previously mentioned the applicant is proposing to reestablish a surface parking lot that currently exists in nearly the same location as the proposed parking lot. Requiring the removal of this parking area would eliminate a significant amount of required and needed parking that could not be reasonably located elsewhere on the subject property due to the layout of the site and location of the existing building. Considering the added benefits (storm water management, landscaping, etc.) that will result due to the reconfiguration of the parking lot, Planning Staff believes that granting alternative compliance is a reasonable request.

The existing structure would likely exceed the applicable 30% window requirement on both the east and west elevations, however, it would not be subject to the provisions as it is an existing condition. The proposed addition is subject to the window requirements. At least 30% of the first floor façade that faces a public street, sidewalk or on-site parking lot shall be windows. Due to the configuration of the proposed addition, there are three elevations that need to be evaluated for compliance which include the west, east and north wall elevations. The proposed addition to the structure meets this requirement along the west elevation adjacent to Park Avenue as approximately 53% are provided along that frontage. In this circumstance due to the angular wall proposed which technically is on the north elevation of the structure but incorporated into the east elevation, the elevations would be evaluated in a collective sense. According to the combined elevations approximately 25% are provided which would not meet the requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this unique circumstance. Planning Staff believes that the applicant has incorporated as many windows in the combined elevations as is practical as a result of the programmed space located behind the building walls. All ground level windows must be transparent (non-reflective). The 10% window requirement on upper floors facing the public streets is not applicable. The windows are vertical in proportion and distributed in a more or less even manner.

There are no blank, uninterrupted walls greater than 25 feet in width along any of the elevations of the proposed addition that do not include windows, entries, recesses or projections, or other architectural elements. The existing structure is not subject to this provision.

The existing structure is composed of granite panels on the west elevation facing Park Avenue. The remaining elevations on the existing structure are painted white and are composed of brick, CMU block and precast concrete. The exterior materials that are proposed on the new addition include metal panels and precast wall panels with horizontal and vertical reveal patterns. The materials on the existing building are not necessarily compatible, but it is an existing condition. The proposed addition would be compatible on all sides; however it would be difficult for the proposed and existing structures to be completely compatible in a material sense. Alternative compliance would be necessary. In this circumstance, it would not be practical to require compliance as the existing structure is a mismatch of materials.

The proposed building form and the pitch of the roof line is compatible with other structures located within the area. The proposed roof line would be predominantly flat, and a single-story structure would be compatible with other buildings in the area. The existing structure on the premises is also single-story with a flat roof line.

All parking for the development would be located within a 21 space surface parking lot located on the east side of the site with access off of Columbus Avenue South.

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.**

The existing principal entry to the structure is located off of the south elevation which faces the interior side yard. There is a walkway connection to the public sidewalk located along both Park Avenue and to the surface parking lot located off of Columbus Avenue South. The proposed addition will create a new entryway that would have entrances facing both Park Avenue and Columbus Avenue South. The walkways will be modified to maintain connections to the public sidewalk and to the surface parking lot on the premises.

The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There would unlikely be significant traffic impacts on the adjacent residential properties.

The surrounding property is a mix of residential and office type uses, and the proposal to construct an addition to an existing office/educational arts center would not be expected to have significant impacts on the adjacent uses.

There is no public alley to the site.

The site has been designed to minimize the use of impervious surfaces through extensive open space and landscaping on the site. Approximately 76% of the site not occupied by buildings is open space / landscaped.

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 51,252 square feet or 1.18 acres and the building footprint on the site with the proposed addition would be 7,768 square feet. A total of 8,697 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing approximately 33,106 square feet or approximately 76% of the site not occupied by buildings. The zoning code requires

that there be at least 18 trees and 87 shrubs. The applicant is proposing to provide 16 canopy trees, 36 coniferous shrubs and 744 perennials on the subject site. The proposal is not meeting the minimum quantity requirements; alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it is practical to meet the requirements on the subject site. Further Planning Staff will require that a more diverse species of shrubs be incorporated into the final landscape plan.

A landscaped yard and screening are required as the parking lot fronts on a public street. The parking lot complies with the minimum yard requirement of 7 feet as there is a 35 foot wide landscaped yard running the length of the surface parking lot. Alternative compliance is necessary, however, as the 7-foot yard must be landscaped. Further, alternative compliance is necessary as the proposal is not technically meeting the screening requirements as outlined in Chapter 530. A decorative fence, masonry wall, or hedge must be installed in order to meet the screening requirements. Alternative compliance is necessary as the applicant proposes to install a 3-foot tall landscaped berm. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as the proposed berm would satisfy the intent of the 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 proposal is meeting this requirement. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction. There are no tree islands proposed.

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.

All parking is proposed to be provided in a redesigned 21 space off-street surface parking lot which would be accessed via Columbus Avenue South. The access to and from the parking lot has been designed for one-way traffic. The water drainage on site has been designed so as not to drain onto any adjacent lots. New underground stormwater storage tanks will be located under the parking lot.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties. Additionally, Staff would not expect the proposed building to have significant impacts on light, wind and air in relation to the surrounding area.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans.

There are no historic buildings on the subject 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 existing and proposed uses as offices/educational arts centers are permitted in the OR2 District. Educational arts centers are subject to specific development standards:

- (1) In the OR1 and OR2 Districts, the use shall be located in a nonresidential structure existing on the effective date of this ordinance.
- (2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (3) An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

The proposed building addition and site modifications are in compliance with the specific development standards. With the approval of the variances and site plan review this development would meet the requirements of the OR2 zoning district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 requires 10 off-street parking spaces for the office component and 7 off-street parking spaces for the educational arts

center component for a total of 17 required off-street parking spaces for the development. Chapter 541 requires 1 space per 500 square feet in excess of 4,000 square feet for office uses ($8,859 \text{ square feet} - 4,000 \text{ square feet} = 4,859 / 500 = 10$) and 1 space per classroom + 1 space per 5 students based on the maximum number of students attending classes at any one time based on 4 classrooms and 12 students ($4 + 3 = 7$). The developer is proposing to provide a total of 21 off-street parking spaces within a surface parking lot accessed off of Columbus Avenue South. The proposal complies with the minimum parking requirement as a total of 21 off-street parking spaces are provided on the premises.

Maximum automobile parking requirement: The maximum parking requirement for the office component is 1 space per 200 square feet of gross floor area. The gross floor area of the office use is 8,859 square feet. Therefore, the maximum parking requirement for the office component would be 44 off-street parking spaces. The maximum parking requirement for the educational arts center component is 1 space per classroom + 1 space per 3 students based on the maximum number of students attending classes at any one time based on 4 classrooms and 12 students. Therefore the maximum parking requirement for the educational arts center component is 8 off-street parking spaces. Combined, the maximum parking requirement for the uses located on the premises would be 52 off-street parking spaces. The development is not exceeding this requirement.

Bicycle parking requirement: A total of 3 bicycle parking spaces are required based on the office component. There is no bicycle parking requirement for the educational arts center component. 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 development complies with this requirement as the applicant proposes to locate 8 bicycle parking spaces on the premises.

Loading: There is no loading requirement for the proposed development.

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. A trash room is located within the proposed building addition.

Signs: Any signage on the premises is required to meet the requirements of the code. A separate permit is required from the Zoning Office for the proposed signage. The sign standards that apply for both offices and educational arts centers in the OR2 district is as follows:

One wall identification sign not exceeding sixteen (16) sq. ft. Maximum height of fourteen (14) ft. or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one (1) monument sign¹ not exceeding sixteen (16) sq. ft. in area and six (6) ft. in height. Either the wall sign or the monument sign¹, but not both, may be illuminated.

Lighting: The applicant is proposing to install light fixtures at all entrances as well as within the parking lot. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for all structures in the OR2 District is the gross floor area of the building which is 15,537 square feet divided by the area of the lot which is 51,252 square feet. The outcome is .3 which is less than the maximum of 2.5 that is permitted in the OR2 District. Therefore, the development is in compliance with the maximum F.A.R.

Minimum Lot Area: The minimum lot area requirement for office uses is 4,000 square feet and for educational arts centers is 20,000 square feet. The subject site meets the minimum lot area requirement as the property is approximately 51,252 square feet in size.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the OR2 District is 4 stories or 56 feet, whichever is less. The existing structure is 12 feet, 3 inches tall. The proposed addition is 1-floor (2 stories) or 22 feet tall. The maximum allowable floor height is 14 feet; therefore, the first floor of the proposed addition is considered two stories. Both the existing building and proposed addition comply with the height requirement.

Yard Requirements: The required yards are as follows:

Front: Typically, the OR2 district requires a 15 foot front yard setback. However, due to the adjacent residential use to the north of the property the subject site is subject to a front yard increase per Section 547.160(b) of the Zoning Code. The setback requirements are as follows:

- Front yard requirement adjacent to Park Avenue along the west property line: 99 feet, 8 ½ inches.
- Front yard requirement adjacent to Columbus Avenue South along the east property line: 44 feet, 1 ¼ inches.

Interior side yard (5+2x): 7 feet

Building coverage: Principal and accessory structures shall not cover more than seventy (70) percent of any zoning lot located in the office residence districts. Based on the existing structure and proposed addition, the footprint totals 7,768 square feet. The lot is approximately 51,252 square feet in size. The building would cover approximately 15% of the site.

Impervious surface area: Impervious surfaces shall not cover more than eighty-five (85) percent of any zoning lot located in the office residence districts. According to the applicant, impervious surfaces cover approximately 35% of the site.

MINNEAPOLIS PLAN

According to the *Minneapolis Plan*, the subject parcel is located within a vicinity that contains a mixture of land uses including services and commercial uses, single-family and multi-family development, etc. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to the proposal:

- 9.6 *Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.*
- 9.23 *Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.*

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

The Phillips West Master Land Use Plan was adopted by the City on July 17, 2009. The purpose of the plan is to serve as a guide for investment and future land use changes within the boundaries of the Phillips West neighborhood. The site is identified in the future land use map as urban neighborhood, stabilization, infill and rehabilitation. However, within the plan it states that Park Avenue is currently home to many cultural institutions including: The American Swedish Institute, Phillips Eye Institute, Saint Mary's University, Messiah Lutheran, American Indian Services, Lutheran Social Services, Abbott Northwestern and others. Any future development or redevelopment

along Park Avenue should maintain the established setbacks and building typology. Planning Staff believes that the proposed expansion of the National Theatre for Children complies with not only the established setbacks but also the general building typology.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

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

Alternative compliance is requested by the applicant to meet the following standards:

□ Location of on-site parking facilities: On-site accessory parking facilities are required to be located to the rear or interior of the site, within the principal building served, or entirely below grade. Alternative compliance would be required based on the proposal. As previously mentioned the applicant is proposing to reestablish a surface parking lot that currently exists in nearly the same location as the proposed parking lot. Requiring the removal of this parking area would eliminate a significant amount of required and needed parking that could not be reasonably located elsewhere on the subject property due to the layout of the site and location of the existing building. Considering the added benefits (storm water management, landscaping, etc.) that will result due to the reconfiguration of the parking lot, Planning Staff believes that granting alternative compliance is a reasonable request.

□ 30% Window requirement: In this circumstance due to the angular wall proposed which technically is on the north elevation of the structure but incorporated into the east elevation, the elevations would be evaluated in a collective sense. According to the combined elevations approximately 25% are provided which would not meet the requirement. Alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission grant alternative compliance in this unique

circumstance. Planning Staff believes that the applicant has incorporated as many windows in the combined elevations as is practical as a result of the programmed space located behind the building walls.

□ Material consistency: The existing structure is composed of granite panels on the west elevation facing Park Avenue. The remaining elevations on the existing structure are painted white and are composed of brick, CMU block and precast concrete. The exterior materials that are proposed on the new addition include metal panels and precast wall panels with horizontal and vertical reveal patterns. The materials on the existing building are not necessarily compatible, but it is an existing condition. The proposed addition would be compatible on all sides; however it would be difficult for the proposed and existing structures to be completely compatible in a material sense. Alternative compliance would be necessary. In this circumstance, it would not be practical to require compliance as the existing structure is a mismatch of materials.

□ Landscape quantities: The zoning code requires that there be at least 18 trees and 87 shrubs. The applicant is proposing to provide 16 canopy trees, 36 coniferous shrubs and 744 perennials on the subject site. The proposal is not meeting the minimum quantity requirements; alternative compliance is necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as it is practical to meet the requirements on the subject site. Further, Planning Staff will require that a more diverse species of shrubs be incorporated into the final landscape plan.

□ Landscaped yard and screening: A landscaped yard and screening are required as the parking lot fronts on a public street. The parking lot complies with the minimum yard requirement of 7 feet as there is a 35 foot wide landscaped yard running the length of the surface parking lot. Alternative compliance is necessary, however, as the 7-foot yard must be landscaped. Further, alternative compliance is necessary as the proposal is not technically meeting the screening requirements as outlined in Chapter 530. A decorative fence, masonry wall, or hedge must be installed in order to meet the screening requirements. Alternative compliance is necessary as the applicant proposes to install a 3-foot tall landscaped berm. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as the proposed berm would satisfy the intent of the provision.

RECOMMENDATIONS:

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 of the front yard setback requirement adjacent to

the west property line along Park Avenue to approximately 74 feet for the proposed building addition on the property located at 2733 Park Avenue.

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 of the front yard setback adjacent to the east property line along Columbus Avenue to approximately 35 feet in order to reestablish parking in the required yard on the property located at 2733 Park Avenue.

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 reestablish a surface parking lot between a principal structure and the front lot line on the property located at 2733 Park Avenue.

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 2733 Park Avenue subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by September 14, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. In addition to the proposed walkway to the public sidewalk along Park Avenue, a walkway connection shall be provided from the structure to the public sidewalk along Columbus Avenue South in order to facilitate pedestrian access and circulation.
4. The landscape plan must meet the quantity requirements for shrubs and trees as required in section 530.160 of the zoning code. A greater diversity of shrubs must be incorporated into the final plan.
5. All required ground level windows must be transparent (non-reflective) as required by section 530.120 of the zoning code.

Attachments:

1. PDR Report
2. Statement of use / description of the project
3. Findings –Variances
3. Correspondence
4. Zoning map
5. Plans – Photos, site, landscape, elevations, floor plans, etc.