

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit, Variance, and Site Plan Review  
BZZ-4636

**Date:** February 22, 2010

**Applicant:** The Church of St. Hedwig

**Address of Property:** 2801 Marshall Street NE

**Project Name:** The Church of St. Hedwig parking lot.

**Contact Person and Phone:** John Patricelli 612-789-4830

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

**Date Application Deemed Complete:** January 15, 2010

**End of 60 Day Decision Period:** March 16, 2010

**Ward: 1     Neighborhood Organization:** Marshall Terrace

**Existing Zoning:** R2B Two-family Residential District and MR Mississippi River Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 5

**Legal Description:** Not applicable for this application.

**Proposed Use:** Parking lot, serving institutional and public uses.

**Concurrent Review:**

**Conditional use permit:** To allow a surface parking serving an institutional or public use.

**Variance:** To allow parking to encroach in the required 20 foot front yard setback to approximately 15 feet at the north end and 10 feet at the south end of the proposed parking lot.

**Site Plan Review.**

**Applicable zoning code provisions:** Chapter 525, Administration and Enforcement, Article VII, Conditional Use Permits; Article IX, Variances, Specifically Section 525.520(1), "to vary the yard requirements..."; and Chapter 530, Site Plan Review.

**Background:** The Church of St. Hedwig has applied for a conditional use permit and site plan review to allow a 35 space surface parking lot at the southeast corner of 29<sup>th</sup> Avenue NE and Marshall Street NE. The proposed parking lot will be located on a very large tax parcel (see attached tax parcel map), addressed as 2801 Marshall Street NE, that is owned by Xcel Energy. It runs along Marshall Street NE, from 29<sup>th</sup> Avenue NE to 28<sup>th</sup> Avenue NE, and then east along 28<sup>th</sup> Avenue NE to California Street NE.

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While Xcel Energy will retain ownership for the site, it will create a separate parcel for the parking lot, made up of the northerly three platted lots, and lease it to the church.

A surface parking lot serving an institutional or public use, in this case a church, is an allowed in the R2B Two-family Residential District through a conditional use permit and site plan review. In addition, the applicant is requesting a variance to allow the parking lot to encroach in the required 20 foot front yard setback along Marshall Street NE.

The neighborhood group passed a motion in support of the proposed lot. Please see attached e-mail.

**CONDITIONAL USE PERMIT (for a parking lot)**

**Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

Parking lots serving institutional or public uses are allowed in the residential districts, subject to conditional use permit and site plan review approval. St. Hedwig's is located just northeast of the proposed parking lot at the northeast corner of 29<sup>th</sup> Avenue NE and Randolph Street NE. The church currently has no on-site parking, except for a small area for loading and accessible parking spaces at the north end of the church, which is shared with the adjacent residential building. Parishioners park on the surrounding streets. The sanctuary of the church is 5,900 square feet and would have a minimum parking requirement of 39 spaces and a maximum parking requirement of 157 spaces. The parking lot will have only 35 spaces, which does not exceed the maximum and is appropriate for the demand at the church. The lot will be landscaped and is designed to minimize impervious surface, to preserve existing trees, and to exceed stormwater management requirements with a large rain garden at the east side of the site. The proposed lot should not be detrimental to the public health, safety, comfort or general welfare of the surrounding area.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

To the north and east there is residential zoning and residential uses, to the west is the Xcel Energy Riverside power plant, and to the south is vacant land owned by Xcel that is zoned residential. The parking lot is designed to provide a significant buffer to the residential properties to the east and north and to preserve the existing trees to the south. In the context of surrounding development and with appropriate conditions of approval this parking lot should not be detrimental to nearby properties.

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

Public Works and the Fire Department have reviewed the plans for vehicular access and circulation and they find the plans acceptable, subject to comments in the attached PDR report. The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

The proposed lot will provide parking for existing traffic to the church that currently parks on the street, so the lot should reduce traffic congestion.

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

*The Minneapolis Plan for Sustainable Growth* designates this area as Urban Neighborhood. The plan states on page 1-8, that the Urban Neighborhood land use category is “predominantly residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. It may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout.” The proposed parking lot is in conformance with the goals of the plan. Please see the site plan review section of this report for the comprehensive plan standards relating to the design of the parking lot.

The *Above the Falls* plan (adopted 2000) shows this area as low-density residential. The plan states on page 60 that, “the land use plan assumes that patterns and densities of residential use on the east bank will remain basically the same...” The plan’s design standards for a future Marshall Boulevard (Marshall Street) on page 89, propose a five-foot tree boulevard between the curb and sidewalk and a six-foot sidewalk. The proposed site plan would not prevent this future redesign of the right-of-way. The proposed parking lot is in conformance with the goals of the plan.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006, and designates this area as the upper river. The plan states that “the city will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” *The Minneapolis Plan for Sustainable Growth* shows this area as Urban Neighborhood. The plan also states that “river corridor development should be located and designed to minimize adverse effects on the natural or scenic values of the river.” The site is east of the Xcel Energy Riverside power plant and is not visible from the river. The applicant is incorporating a rain garden to meet or exceed the City’s stormwater management goals. This site is in conformance with the plan.

This site is not in an Employment District as adopted in the *Industrial Land Use Study and Employment Policy Plan* adopted by the City Council November 3, 2006. However, Industrial Employment Districts 2 is to the west of the site across Marshall Street NE, is to the north two blocks away, and to the east three blocks away.

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- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located.**

The proposal will conform to the applicable regulations of the R2B Two-family Residential District upon the approval of the conditional use permit, variance, and site plan review.

**VARIANCE (to reduce the front yard setback)**

**Findings Required by the Minneapolis Zoning Code:**

- 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.**

The applicant has designed the parking lot to provide on-site stormwater management in a large rain garden on the east side of the site. It is also a buffer for the residential properties to the east. If the parking lot were moved out of the setback there would be a reduction in parking or in the size of the rain garden and this can be considered a hardship. The applicant is not providing an excessive amount of parking spaces or impervious surface. This is a reasonable use of the property.

- 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.**

There are no structures to the south of the site, so there is no established setback on the block. The need for preserving views up and down the block is less necessary in this situation. The parking lot will be setback 10 to 15 feet from the property line, so there will still be a landscaped buffer between the parking and the sidewalk. This is a circumstance not generally applicable to properties in the area.

- 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.**

The intent of front yard setback requirements are to provide access to light and air and to preserve views up and down the street for adjoining properties, as well as to provided a buffer between the sidewalk and the use. There are no adjoining uses on the block and there will be a 10 to 15 foot buffer provided between the use and the public sidewalk; therefore granting the variance will not circumvent the intent of the ordinance.

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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.**

The proposed lot will provide parking for existing traffic to the church that currently parks on the street, so the parking lot should reduce traffic congestion. The variance will not endanger public health or safety or increase the danger of fire.

### **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, 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

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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 530.20 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. 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. 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.

There are no buildings proposed. The use is a surface parking lot.

### 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

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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.

A walkway is provided at the northeast corner of the lot connecting to the public sidewalk in the direction heading toward the church to the north.

There are no transit shelters on the site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable, subject to requirements listed in the attached PDR report. Traffic has been designed to minimize access on adjacent residential properties to the east. No access will be provided to the adjacent alley.

The site has been designed to minimize impervious surfaces and all areas that are not covered by pedestrian access and paved areas necessary for parking and the associated maneuvering are pervious surfaces used for landscaping and stormwater management. The R2B districts limits impervious surface to 65 percent of the lot area. The lot is 20,065 square feet and the impervious surfaces cover 11,778 square feet or 58.7 percent of the site.

### **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 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.

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The site plan shows 41 percent landscaping. The lot area is 20,065 square feet, of which 20 percent (4,013 square feet) is required to be landscaped. There is 8,287 square feet of landscaping.

The development is required to provide eight trees and 40 shrubs. The site plan shows seven trees and 255 shrubs and various native plantings in the rain garden. The trees and shrubs are located in the required landscaped yards except the north yard has no on-site trees and the south yard has no shrubs. Staff does not recommend alternative compliance and recommends the addition of one tree in the north yard and shrubs along the entire south yard more or less evenly distributed.

The plan shows the required seven-foot wide landscaped yards between the parking lot and the public sidewalks and between the parking lot and the residential areas. The north yard provided is eight feet, the east yard provided is 35 to 40 feet, the south yard provided is nine to 15 feet, and the west yard provided is 10 to 15 feet.

The required three foot high sixty percent opaque screening is provided along the street frontages. The required six foot high 95 percent opaque screening is provided for the majority of the east side of the parking lot, but not along the rain garden at the north end. It is not provided along the south end of the lot either. Staff recommends alternative compliance. The size of the rain garden makes it difficult to install larger screening at the northeast end of the parking lot. In addition, it may make visibility from the alley approaching the sidewalk more difficult. The landscaped amenity of the rain garden should provide a buffer to the lot and there is also a garage on the property to the east that will act as a screen for the residential property. On the south end staff recommends adding three foot high shrubs more or less evenly distributed rather than six foot high screening because there are no structures to screen south of the parking lot and this will allow views into and out of the site increasing safety for parishioners.

The plan shows one on-site tree per every 25 linear feet of parking area along the Marshall Street frontage, but not along the 29<sup>th</sup> Avenue frontage. Staff recommends alternative compliance to add one tree rather than three trees. There are large Oak trees in the tree boulevard and adding three trees in the landscaped yard in this area would have the trees close together. Staff is recommending the addition of one tree to meet the required number of trees (see above) and to meet the parking space coverage requirements (see below).

Not all parking spaces are with 50 feet of a deciduous tree. The northeasterly end of the lot has spaces that are not within 50 feet of an on-site deciduous tree. Staff recommends alternative compliance. The site plan exceeds the required percentage of landscaped area and the required number of on-site shrubs as amenities in lieu of the requirement. In addition, adding a tree at the northeast end will interfere with boulevard trees or the rain garden. Finally there are several mature trees along the south side of the site that will shade the parking lot. Staff is recommending the addition of one tree in the north yard to meet other landscaping requirements and this could be placed to shade parking spaces as well.

### **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**

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- 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.

No curbing is proposed and the lot will sheet drain into landscaped areas and an on-site rain garden at the east end of the parking lot.

There are no buildings to block of important views of the city, shadow public spaces and adjacent properties, or significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The landscaping provides site access and control and delineates public and private spaces. Landscaping should follow the 3-foot 7-foot rule.

There are no historic structures on the site.

### **Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:** The proposed parking lot, serving an institutional or public use, is allowed as a conditional use in the R2B Two-family District.

**Off-Street Parking and Loading:** *Minimum automobile parking requirement:* There is no minimum automobile parking requirement for a parking lot. The church is required to have parking equal to ten percent of the capacity of persons in the sanctuary. The sanctuary is 5,900 square feet, with a capacity per the code of 393 persons, and ten percent of this capacity is 39 parking spaces. The proposed lot is 35 spaces. Two accessible spaces would be required for a 35 space parking lot and two are provided at the north side of the church. The proposed parking lot will move the church toward conformity with the zoning code; however, the church is remains legally non-conforming in regard to parking.

*Maximum automobile parking requirement:* There is no maximum automobile parking requirement for a parking lot. The church can not have parking that exceeds 40 percent of the capacity of persons in the sanctuary. The sanctuary is 5,900 square feet, with a capacity per the code of 393 persons, and 40 percent of this capacity is 157 parking spaces. The proposed lot is 35 spaces.

*Bicycle parking requirement:* There is no bicycle parking required.

*Loading:* There is no loading requirement.

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**Maximum Floor Area:** The maximum FAR in the R2B District is based on use. There is no FAR limit for parking lots.

**Building Height:** Building height in the R2B District is limited to 2.5 stories or 35 feet (30 feet for single- and two-family structures), whichever is less. No building is proposed.

**Minimum Lot Area:** The minimum lot area for a parking lot in the R2B District is 5,000 square feet. The lot area is 20,065 square feet.

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

**Yard Requirements:** The R2B District requires a 20 foot front yard setback, and eight foot corner yard setback, and a five foot rear and interior yard setback for a parking lot. The site plan shows a front yard setback from 10 to 15 feet along Marshall Street NE. The applicant has requested a variance for this setback and staff is recommending approval of the variance (please see the variance section of this report). The site plan shows an eight foot corner yard setback along 29<sup>th</sup> Avenue NE. The plan shows setbacks that exceed the required five feet for the rear (east) and interior (south) setbacks.

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

**Hours Open to the Public:** In the residential districts, uses may be open to the public during the following hours: Sunday through Thursday from 7:00 a.m. to 10:00 p.m. and Friday and Saturday from 7:00 a.m. to 11:00 p.m. The facility is open 24 hours a day, but it is open to the public during hours allowed by the code. Residential uses and religious institutions are exempt from this provision.

**Signs:** All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. Section 543.260 of the zoning code allows off-site accessory parking lots one nonilluminated sign not to exceed eight square feet and six feet in height and not more than two auxiliary signs per entrance. The applicant proposes one six square foot sign that is five feet tall (please see attachment). The applicant is aware that signs require zoning office approval and permits.

**Refuse storage:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. There are no refuse containers proposed on the parking lot.

**Lighting:** The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

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- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (½) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

### MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

In addition to the policies listed under finding number 5 under the conditional use permit sections of this report, the *Minneapolis Plan for Sustainable Growth* has the following narrative and policies regarding parking lot and landscaping design: “Certain areas of the city generate demand far beyond their immediate boundaries, and need to accommodate significant automobile traffic through the provision of parking facilities. While clearly a necessary element in an urban setting, parking facilities can have serious negative visual effects on their surroundings if not designed carefully. Any parking facility, regardless of whether it is a surface parking lot or a structured parking ramp, should be designed so as to blend in with its surroundings.”

#### **Policy 10.18: Reduce the visual impact of automobile parking facilities.**

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

10.18.3 Locate parking lots to the rear or interior of the site.

10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

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“A well-designed landscape will create and define spaces while softening the built environment. Landscaping provides beauty and visual interest, shade and environmental benefits, as well as screening and buffering of uses. It is important to consider the types of plants and trees and how they will tolerate and impact their surrounding environment. Design and maintenance of the landscaped areas are important factors as well. The following policy and implementation steps provide guidance for landscaped areas in the city.”

**Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.**

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.

10.19.6 Green roofs, living walls, and porous pavement are encouraged but are not meant to be a substitute for ground-level landscaping of sites as landscaping provides both a natural amenity and aesthetic beauty to the urban landscape.

10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

The proposed lot is in conformance with the above noted policies.

**SMALL AREA PLANS ADOPTED BY COUNCIL:** See finding number 5 under the conditional use permit sections of this report.

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### **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.**

- On-site trees and shrubs.

The development is required to provide eight trees and 40 shrubs. The site plan shows seven trees and 255 shrubs and various native plantings in the rain garden. The trees and shrubs are located in the required landscaped yards except the north yard has no on-site trees and the south yard has no shrubs. Staff does not recommend alternative compliance and recommends the addition of one tree in the north yard and shrubs along the entire south yard more or less evenly distributed.

- Screening.

The required three foot high sixty percent opaque screening is provided along the street frontages. The required six foot high 95 percent opaque screening is provided for the majority of the east side of the parking lot, but not along the rain garden at the north end. It is not provided along the south end of the lot either. Staff recommends alternative compliance. The size of the rain garden makes it difficult to install larger screening at the northeast end of the parking lot. In addition, it may make visibility from the alley approaching the sidewalk more difficult. The landscaped amenity of the rain garden should provide a buffer to the lot and there is also a garage on the property to the east that will act as a screen for the residential property. On the south end staff recommends adding three foot high shrubs more or less evenly distributed rather than six foot high screening because there are no structures to screen south of the parking lot and this will allow views into and out of the site increasing safety for parishioners.

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- One tree per 25 feet on linear frontage.

The plan shows one on-site tree per every 25 linear feet of parking area along the Marshall Street frontage, but not along the 29<sup>th</sup> Avenue frontage. Staff recommends alternative compliance to add one tree rather than three trees. There are large Oak trees in the tree boulevard and adding three trees in the landscaped yard in this area would have the trees close together. Staff is recommending the addition of one tree to meet the required number of trees and to meet the parking space coverage requirements.

- Parking within 50 feet of a deciduous tree.

Not all parking spaces are with 50 feet of a deciduous tree. The northeasterly end of the lot has spaces that are not within 50 feet of an on-site deciduous tree. Staff recommends alternative compliance. The site plan exceeds the required percentage of landscaped area and the required number of on-site shrubs as amenities in lieu of the requirement. In addition, adding a tree at the northeast end will interfere with boulevard trees or the rain garden. Finally there are several mature trees along the south side of the site that will shade the parking lot. Staff is recommending the addition of one tree in the north yard to meet other landscaping requirements and this could be placed to shade parking spaces as well.

### **RECOMMENDATIONS:**

#### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for a parking lot:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a parking lot, serving institutional and public uses, 2801 Marshall Street NE subject to the following conditions:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
- 2) The property owner shall obtain a separate tax parcel identification number for the three platted lots on which the parking lot and associated landscaping, walks, and stormwater management features are located.

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### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the front yard setback variance:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required 20 foot front yard setback to 15 feet at the north end and 10 feet at the south end for a parking lot for property located at 2801 Marshall Street NE.

### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the site plan review:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a parking lot, serving institutional and public uses, for property located at 2801 Marshall Street NE subject to the following conditions:

- 1) Staff review and approve the site plan, lighting plan, landscaping plan, and signage plan before permits may be issued.
- 2) All site improvements shall be completed by February 22, 2011, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Provision of three-foot high screening along the south side of the parking lot as an alternative to the requirements of Section 530.170 of the zoning code.
- 4) Provision of one additional on-site deciduous tree in the north landscaped yard as required by Section 530.160 and 530.170 of the zoning code.
- 5) Lighting, if any, shall be designed to be in conformance with Section 535.590 of the zoning code.

### **Attachments:**

1. PDR Report.
2. Statement from owner and applicant.
3. Letter from neighborhood group
4. Zoning map and tax parcel map.
5. Site plans.
6. Photos and elevations.