

**Department of Community Planning and Economic Development – Planning
Division**
Conditional Use Permit
BZZ-4481

Date: August 10, 2009

Applicant: J.A. Wedum Foundation, 2615 University Avenue SE, Minneapolis, MN 55414, (612)789-3363

Addresses of Property: 2515 University Avenue SE

Project Name: University Village

Contact Person and Phone: Ivy Properties, Attn: Steven Dunbar, 5000 Glenwood Avenue, Suite 300, Minneapolis, MN 55414, (763)377-7090

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

Date Application Deemed Complete: July 16, 2009

End of 60-Day Decision Period: September 13, 2009

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

Ward: 2 Neighborhood Organization: Prospect Park East River Road Improvement Association (PPERIA)

Existing Zoning: C3A (Community Activity Center District), PO (Pedestrian Oriented) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Lot area: 185,753 square feet or approximately 4.26 acres

Legal Description: Not applicable for this application.

Proposed/Existing Use: A mixed-use, Planned Residential Development.

Concurrent Review:

- Amend the Conditional Use Permit for a Planned Unit Development on the University Village site as it pertains to the following items:

- Enclose a 608 square foot breezeway/walkway between the Fairview Clinic and U Salon in order to allow for a proposed expansion of Fairview Clinic.
- Enclose the current outdoor seating area at the Leaning Tower of Pizza to create an additional 267 square feet of indoor seating area.
- Add a single-level, 450 square foot open air deck adjacent to the Leaning Tower of Pizza along 25th Avenue SE.
- Add an additional freestanding sign for Fairview Clinic along the eastern most entrance along University Avenue SE.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits.

Background: The applicant proposes to amend an existing Planned Unit Development (PUD), also known as University Village, in order to make modifications to the site located at 2515 University Avenue SE. The subject site is bounded by University Avenue SE to the south, 25th Avenue SE to the west, 4th Street SE to the north and the existing Bruce Printing building to the east. The property is zoned C3A (Community Activity Center District), with a PO (Pedestrian Oriented) Overlay District. An amendment to the existing conditional use permit is required in order to modify the mixed-use Planned Residential Development which currently occupies the site. The following alterations are proposed as part of the amendment to the conditional use permit: (1) Enclosure of a 608 square foot breezeway/walkway between the Fairview Clinic and U Salon located at the ground level interior of the site in order to allow for a proposed expansion of Fairview Clinic; (2) enclosure of the existing 267 square foot outdoor seating area at the Leaning Tower of Pizza ; (3) addition of a single-level, 450 square foot open air deck adjacent to the Leaning Tower of Pizza along 25th Avenue SE; and (4) an additional freestanding sign for Fairview Clinic adjacent to the eastern most entrance along University Avenue SE. Technically, the signage request is an exception to the Zoning Code standards which is further addressed below.

The University Village Planned Residential Development was approved in 1997 (C-1852) subject to conditions of approval. The proposal included 199 dwelling units, with 280 associated residential parking stalls and approximately 24,000 square feet of retail/commercial space with 81 commercial parking stalls.

Correspondence received from the official neighborhood organization, Prospect Park East River Road Improvement Association (PPERIA), has been attached for reference. Any additional correspondence received will be forwarded on to the Planning Commission for consideration.

CONDITIONAL USE PERMIT – to amend an existing Planned Residential Development

Exceptions to Zoning Ordinance Standards: Chapter 527, Planned Unit Development authorizes the City Planning Commission to approve exceptions to the zoning regulations

that are applicable to the zoning district in which the development is located. This may be done only upon finding that the Planned Unit Development includes adequate site amenities to address any adverse effects of the exception.

EXCEPTIONS REQUESTED:

Number and height of freestanding signs:

According to Section 543.360 (a) of the Zoning Code, not more than one (1) freestanding sign shall be permitted on a zoning lot. There is an existing freestanding sign located on the premises and the applicant proposes to install one additional freestanding sign. An exception to the number of permitted freestanding signs on a zoning lot is required.

In the C3A district, the size allocation for a freestanding sign is one (1) sq. ft. of signage per one (1) ft. of frontage, subject to the zoning district sign area limitation of 80 square feet. Further, where there is more than one (1) frontage, sign area is based upon the frontage toward which the sign is oriented. In this circumstance, the property has approximately 596 feet of street frontage along University Avenue SE; therefore, the site would be eligible for a total of 80 square feet. The existing freestanding sign and the proposed freestanding sign would be oriented towards University Avenue SE. The existing sign and the proposed sign have approximately 45 square feet of sign area each.

The maximum height of freestanding signs allowed in the C3A district is 8 feet. The height of the proposed freestanding sign is 13 feet which includes a 4 foot tall masonry base and a 9 foot tall brushed aluminum sign panel. Freestanding signs may be located in a required front or corner side yard not exceeding eight (8) ft. provided the sign is no closer than ten (10) ft. from the nearest residence or office residence district boundary. The site complies with this requirement.

Freestanding signs can be lit but not backlit. The applicant intends to up-light the sign.

According to Section 543.360(c) of the Zoning Code, landscaping or other decorative materials designed to screen the base of the freestanding sign are encouraged. The landscape or decorative materials must be capable of screening the base of the sign all year and must be well maintained. The applicant proposes to landscape the base of the proposed sign; however no details have been provided. Planning Staff will recommend that the applicant provide details on the proposed landscaping for final review and approval prior to sign installation.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division 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.

The Planning Division does not believe that amending the existing mixed-use planned residential development would result in any detrimental impacts or endanger the public health, safety, comfort or general welfare. The existing development has been located on the site for the past ten years. The development complements other uses in the area and the existing residential units strengthen the existing commercial base within the neighborhood. The proposed modifications to the site are minor. The enclosure of the breezeway/walkway area and the enclosure of the outdoor seating area results in an additional 875 square feet of gross floor area. The addition of a 450 square foot ground level deck and installation of an additional freestanding sign should not result in any negative impacts.

Number and height of freestanding signs: Staff would not expect that the proposal to allow an additional freestanding sign at a height greater than 8 feet on the premises would endanger the public health, safety, comfort or general welfare. The proposed freestanding sign would be located at the western most entrance whereas the existing freestanding sign is located at the eastern most entrance. The distance between the two freestanding signs would be over 320 feet. The proposal for a 13 foot tall sign, which includes a 4 foot tall masonry base and a 9 foot tall brushed aluminum sign panel would match the design of the existing freestanding sign already located on the premises.

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.

The Planning Division does not believe that the proposed modifications to the existing mixed-use planned residential development would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. As previously mentioned, the alterations to the existing development are minor and should have no impact on adjacent properties or future surrounding development.

Number of freestanding signs: Staff does not believe that allowing an additional freestanding sign on the premises at a height greater than 8 feet would be injurious to the use and enjoyment of surrounding property nor would it impede the normal development of the surrounding area. The sign has been designed to match the existing freestanding sign which stands at a height of 8 feet and the distance between the two freestanding signs would be over 320 feet on a site with approximately 596 feet of street frontage.

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

The utilities, access roads, and drainage are existing and adequate. None of the proposed site alterations will impact these features.

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

The existing number of parking spaces located on the site far exceeds the City's parking requirements as outlined in Chapter 541 of the Zoning Code as 361 off-street parking spaces are provided. There are a total of 199 dwelling units and approximately 24,231 square feet of office and retail/commercial space. Typically, Chapter 541 would require a total of 199 off-street parking spaces for the residential component of the project or one off-street parking space per dwelling unit; however, because the development is located in a PO district, the off-street parking requirement for multiple-family dwellings is ninety percent of the number specified in Chapter 541. Therefore, a total of 179 off-street parking spaces would be required for the residential component of the development. The office component consists of approximately 15,642 square feet (1 space per 500 square feet) and requires 31 off-street parking spaces. Because the development is located in a PO, the minimum off-street parking requirement for nonresidential uses is 75% of the minimum requirement outlined in Chapter 541. Based on this reduction the office component would require a total of 23 off-street parking spaces. The retail/commercial component totals 4,329 square feet (1 space per 500 square feet) and requires 9 off-street parking spaces. With consideration of the PO provision, a total of 7 off-street parking spaces would be required for the retail/commercial component. The restaurant currently occupied by Leaning Tower of Pizza totals 4,260 square feet (1 space per 500 square feet up to 2,000 + 1 space per 300 square feet in excess of 2,000) and requires 12 off-street parking spaces. With consideration of the PO provision, a total of 9 off-street parking spaces would be required for the restaurant use. Therefore, the office and retail/commercial uses require a total of 39 off-street parking spaces. Totaling the residential parking requirements and the office/retail/commercial parking requirements, 218 off-street parking spaces would be required. Further, Staff is recommending that the applicant replace the bicycle parking that would be removed for the proposed outdoor dining area. Planning Staff would suggest that adequate measure have been provided to minimize traffic congestion in the public streets.

5. Is consistent with the applicable policies of the comprehensive 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, retail commercial uses, light industrial uses, single-family and multi-family development, etc. The subject site is also located along University Avenue SE which is a designated Community Corridor as well as in close proximity to an Activity Center located at the intersection of Washington Avenue and Oak Street SE. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to the amended PUD proposal:

2.8 Minneapolis will develop the existing economic base by emphasizing business retention and expansion.

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.

The proposal to make minor alterations to an existing mixed-use planned residential development on the subject site is in compliance with the above listed policies of the comprehensive plan.

The subject site is also located within the area covered by the University Avenue SE & 29th Avenue SE Development Objectives and Design Guidelines which were adopted on February 9, 2007. The Prospect Park East River Road neighborhood undertook a planning process in 2005 and 2006 to develop development objectives and design guidelines for the area along University Avenue SE. City staff took the plan through the official City approval process in 2007.

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

With the approval of the amended conditional use permit, this development would meet the requirements of the zoning district.

Additional Findings Required for a Planned Unit Development

(1) That the planned unit development complies with all of the requirements and the intent and purpose of this chapter. In making such determination, the following shall be given primary consideration:

a. The character of the uses in the proposed planned unit development, including in the case of a planned residential development the variety of housing types and their relationship to other site elements and to surrounding development.

There are no proposed changes to the uses within the existing mixed-use planned unit development.

b. The traffic generation characteristics of the proposed planned unit development in relation to street capacity, provision of vehicle access, parking and loading areas, pedestrian access and availability of transit alternatives.

No changes to the design and operation of the site are proposed. Street capacity, the provision of vehicular access, parking and loading areas as well as pedestrian access and availability of transit incentives is existing and adequate. Staff is

recommending that the applicant replace the bicycle parking that would be removed for the proposed outdoor dining area.

c. The site amenities of the proposed planned unit development, including the location and functions of open space and the preservation or restoration of the natural environment and historic features.

No changes impacting site amenities, open space, the natural environment or historic features is proposed.

d. The appearance and compatibility of individual buildings and parking areas in the proposed planned unit development to other site elements and to surrounding development, including but not limited to building scale and massing, microclimate effects of the development and protection of views and corridors.

There are minor alterations proposed that will result in minimal impacts on the appearance of buildings within the existing development. However, the appearance and compatibility of buildings/parking area within the existing planned unit development will remain harmonious. The proposed alterations to the existing mixed-use planned unit development include the enclosure of a 608 square foot breezeway/walkway between the Fairview Clinic and U Salon located at the ground level interior of the site in order to allow for a proposed expansion of Fairview Clinic; enclosure of the existing 267 square foot outdoor seating area at the Leaning Tower of Pizza; and the addition of a single-level, 450 square foot open air deck adjacent to the Leaning Tower of Pizza along 25th Avenue SE.

e. The relation of the proposed planned unit development to existing and proposed public facilities, including but not limited to provision for stormwater runoff and storage, and temporary and permanent erosion control.

No changes are proposed in regard to the existing public facilities.

- (2) **That the planned unit development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.**

The existing planned residential development complies with all of the applicable requirements contained in Chapter 598, Land Subdivision Regulations.

Additional Sign Adjustment Approval Criteria

- (1) **The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

The proposal to allow as an exception under the amendment to the conditional use permit, an additional freestanding sign on the premises that exceeds the maximum height of 8 feet, will not result in an increase or lead to sign clutter or result in a sign that is inconsistent with the purpose of the C3A district.

- (2) The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.**

The amendment will allow a sign that complements the existing freestanding sign on the subject site. The materials, including the masonry base and brushed aluminum sign panel, as well as the height of the proposed freestanding sign are designed to match the existing freestanding sign located on the site.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission **approve** the application to amend the conditional use permit for an existing mixed-use Planned Residential Development for property located at 2515 University Avenue SE 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 displaced bicycle racks must be relocated on the premises.
3. Landscaping shall be installed adjacent to the base of the sign. Details on the landscaping shall be provided to Planning Staff for final review and approval prior to sign installation.
4. A separate sign permit shall be submitted to the Zoning office for approval.

Attachments:

1. Statement of use / description of the project
2. Findings – CUP
3. Correspondence
4. Zoning map
5. Plans – Site/landscape, sign plan, etc.
6. Photos

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