

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use, Variance, Site Plan Review
BZZ-5173

Date: August 29, 2011

Applicant: Ebenezer Society, Attn: Sue Olson, 2722 Park Avenue, Minneapolis, MN 55407, (612) 874-3474

Address of Property: 2722 & 2742 Park Avenue

Project Name: Ebenezer Society Corporate Office Addition

Contact Person and Phone: Han-Koe Co, Inc., Attn: Joel Koehnen, 6090 Babcock Trail, Inver Grove Heights, MN 55077, (651) 552-0079

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

Date Application Deemed Complete: July 26, 2011

End of 60 Day Decision Period: September 23, 2011

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

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

Existing Zoning: R6 (Multiple-family) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Lot area: 60,940 square feet or approximately 1.40 acres

Legal Description: Not applicable for this application

Existing Use: Office.

Concurrent Review:

- Expansion of a non-conforming use to allow an existing office in the R6 (Multiple-family) district to construct a 3,950 square foot building addition.
- Variance of the front yard setback requirement along Park Avenue adjacent to the east property line from approximately 56 feet to approximately 46 feet to allow the proposed addition.
- Site plan review to allow a 2 story, 3,950 square foot addition to an existing office in the R6 district.

Applicable Zoning Code Provisions: Chapter 531, Section 531.50(b); Chapter 525, Article IX, Variances, and Chapter 530, Site Plan Review.

Background: Ebenezer Society is proposing to expand their corporate offices located on the properties at 2722 and 2742 Park Avenue. The property is zoned R6 (multiple-family district) which does not allow offices as permitted or conditional uses; the use is deemed to be a legal non-conforming use. In order to allow the proposed 3,950 square foot addition to the office, an expansion of a non-conforming use is required. A variance of the front yard setback requirement along Park Avenue, adjacent to the east property line is also required. Typically, in the R6 district the front yard setback would be 15 feet. However, the proposed addition is subject to a front yard increase per Section 546.160(b) of the Zoning Code as the residential structure on the property to the north is located approximately 56 feet from the east property line along Park Avenue. Therefore, a variance of the front yard setback would be required from 56 feet to approximately 46 feet to allow the proposed building addition. Site plan review is also necessary due to the size of the proposed addition.

Ebenezer Society has had their corporate offices in this location since 1967. Prior to 1967, it was a single-family home. The proposed addition would be used for additional office space, meeting rooms, bathrooms and general office operations. The proposed addition would also make the corporate offices accessible to the public.

Staff has not received any official correspondence from Phillips West or any neighborhood letters prior to the printing of this report. Correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

Findings as Required by the Minneapolis Zoning Code:

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

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

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

There are three primary zoning classifications in the immediate area that include R4 (Multiple-family) district, R6 (Multiple-family) district, and OR2 (High Density Office Residence) district. The subject properties are located in the R6 (Multiple-family) district with frontage on both Park Avenue and Oakland Avenue. The properties to the east across Park Avenue are zoned OR2, the properties to the west across Oakland Avenue are zoned R4, and the properties to the north and south of the site on the same block are zoned R6 as well. While there likely could be some policy basis to approve a rezoning request to an OR district, the R6 district in this location appears to serve as a buffer between the OR2 zoned properties to the east and the residentially zoned properties to the west of the subject site.

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

The proposed expansion is compatible with adjacent properties and the neighborhood; the addition would be located within a portion of the large existing surface parking lot located on the premises. The design of the structure is meant to complement the design of the existing building. The property to the north of the site is a high-rise, multi-family residential structure, and the property to the south is a single-story office structure.

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

The expansion of the non-conforming use would not result in significant increases of adverse off-site impacts such as traffic, noise, dust, odors or parking congestion. As previously noted, there will be an increase in office space which could lead to additional employment opportunities; however, this will not result in adverse impacts as adequate parking is provided on the premises.

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

The proposed addition has been designed to complement the design of the existing building on the premises. Allowing the facility to upgrade by constructing additional office space as well as making it accessible to the public should only contribute to the both the appearance and stability of the neighborhood. Further, the landscaping improvements would result in a far more aesthetically pleasing site. No adverse impacts are anticipated as a result of the proposal.

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

Not applicable. There are no dwelling units on the subject site.

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

The property is not located in the Floodway District.

VARIANCE – of the front yard setback requirement along Park Avenue adjacent to the east property line from approximately 56 feet to approximately 46 feet to allow the proposed addition.

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

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

Typically, the front yard setback in the R6 district would be 15 feet, however, the project is subject to a front yard increase per Section 546.160(b) of the Zoning Code as the residential structure on the property to the north is located approximately 56 feet from the east property line along Park Avenue. Therefore, a variance of the front yard setback would be required from 56 feet to approximately 46 feet to allow the proposed building addition. Practical difficulties exist in complying with the ordinance because the required setback is so large and because the proposal is an addition to an existing structure. In this specific circumstance it is possible that the building addition could be recessed an additional 10 feet, but it would result in uneven building facade along Park Avenue and further, it would affect the overall layout of the structure. The location at which the building addition is proposed is the most appropriate given the context of the site. The circumstances specific to the increased setback requirement were not created by persons presently having an interest in the property.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The proposal to construct an addition in order to improve the long term viability of the structure as the corporate offices for Ebenezer Society is reasonable given the context of the area and will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. Further, the proposal is consistent with adopted policy as noted below in the site plan review application.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The Planning Division believes that the granting of this variance would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal to expand the office use will further stabilize the area.

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, windows, and active functions:
- Residential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

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

- Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

The proposal is to add an approximate 3,950 square foot addition to the existing south elevation of the structure. The proposed addition is subject to a front yard setback of 56 feet and the applicant proposes to construct the addition approximately 46 feet from the property line along Park Avenue. The structure as it currently exists has the principal entrance facing the public street along Park Avenue. With the proposed building addition, the principal entrance would remain in the same location. Secondary entrances would be located on the south

elevation of the proposed building addition off of the surface parking lot as well as an accessible entrance on the west elevation of the proposed addition. The design of the addition doesn't necessarily maximize natural surveillance and visibility; however it does facilitate pedestrian access. The area between the building and the public streets would have new shrub and tree plantings along both street frontages. Alternative compliance would be required for the lack of compliance with the natural surveillance and visibility provision listed above. Planning Staff will recommend that additional windows be installed in order to improve this aspect of the proposed addition.

The existing building is not subject to the 30% window requirement.

The proposed addition to the building which is located on the south side of the site does not incorporate windows that meet the 30% window requirement for non-residential uses. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. Due to fact that the applicant is proposing to construct an addition onto an existing building there are some unique factors that must be considered. In order to match the first floor elevation of the proposed addition with the existing building, the first floor level does not begin until approximately 4 feet above grade. This design allows the building to be accessible. It also creates issues for the required window openings in conjunction with the design of the structure.

The east elevation of the proposed addition along Park Avenue does not incorporate windows that meet the 30% window requirement. Due to the elevated first floor height, the windows that appear to be clerestory windows are actually approximately 3 feet above the level of the first floor. Therefore, a total of 11% windows are provided on this elevation of the building but they cannot be counted as they are greater than 4 feet above grade. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this unique circumstance as it would not be practical to require additional windows in this elevation. The windows are more or less evenly distributed but not vertical in proportion. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance as a result of the unique circumstances previously mentioned.

The west and south elevations are also required to meet the 30% window requirement as they are oriented towards the on-site surface parking lot. The same circumstances exist as the first floor level does not begin until approximately 4 feet above grade. On the west elevation (facing Oakland Avenue) approximately 9% are provided but they cannot be counted as they are greater than 4 feet above grade. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant partial alternative compliance and require that an additional window be installed in this elevation. The windows are not currently evenly distributed but are vertical in proportion. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require compliance with even distribution on this elevation. On the south elevation approximately zero windows are provided. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require windows that are similar in appearance to those located on the west elevation. The windows must be vertical in proportion and evenly distributed.

The 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot is being met with the proposed addition. The existing elevations are not reviewed for compliance with this provision as the conditions are existing.

The existing structure is brick. The exterior materials would be compatible on all sides of the proposed addition as they are a combination of cement board siding and composite shingles. It would not be possible due to the age of the existing structure to have the proposed carriage style addition constructed of matching brick. The building complies with the active functions provision as outlined above.

The proposed building form and the pitch of the roof line is compatible with the existing building and the buildings within the area. The proposed roof line would be pitched and a two-story building would be compatible with other structures in the vicinity. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the proposed elevations. The existing elevations have not been reviewed for compliance with this provision.

There is a separate 11 space surface parking lot located on the north side of the property that is interconnected with the property to the north, accessed via Oakland Avenue which is an apartment building owned by Ebenezer. No changes are proposed to this parking lot. There is an existing 127 space surface parking lot located on the subject site that is accessed via two curb cuts on Oakland Avenue. As a result of the proposed addition, the existing parking lot on the south side of the site will be reconfigured and reduced to 91 off-street spaces. No parking garage is proposed as part of the development.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

There is one principal entrance to the structure located off of Park Avenue. There is also a secondary entrance proposed in the south elevation of the new addition off of the surface parking lot and another accessible entrance located on the west elevation of the proposed addition. The principal entrance off of Park Avenue is connected to the sidewalk via a walkway that is at least 4 feet in width. The accessible entrance on the west elevation of the proposed addition is connected via a ramp and walkway that is at least 4 feet in width.

The site is not immediately adjacent to a transit stop; however, it is in relative close proximity to Metro Transit bus lines.

The existing development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. The proposed addition should not have any substantive impacts.

There would unlikely be significant traffic impacts on the adjacent residential properties as a result of the proposed 3,950 square foot addition. The residential uses are located on the west side of Oakland Avenue across the street from the subject site. The proposed addition would be located on the Park Avenue side of the site. The surrounding property is a mix of residential, institutional and office type uses, and the proposed addition would not be expected to have significant impacts on these adjacent uses.

There is no public alley adjacent to the site. The site has opposing frontages on both Park Avenue and Oakland Avenue.

Overall, the site has been designed to minimize the use of impervious surfaces through landscaping as approximately 28% of the site not occupied by buildings is 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 60,940 square feet or 1.40 acres and the proposed building footprint in combination with the existing footprint on the site would be 4,110 square feet. A total of 11,366 square feet of landscaping would be necessary to meet the 20% requirement. There would be approximately 16,030 square feet of landscaping or approximately 28% of the site not occupied by buildings. The zoning code requires that there be at least 23 trees and 114 shrubs. A total of 7 canopy trees, 5 ornamental trees and 61 shrubs would be located on the premises following construction of the building addition. The proposal is not meeting the minimum landscape quantity requirements; alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision as there is adequate green space on the property to accommodate the minimum quantities of trees and shrubs.

The parking lot on the north side of the site is an existing condition. The 11-space surface parking lot is interconnected with the parking lot located on the property to the north which is also owned by Ebenezer. The parking spaces are located on the subject property but the drive-aisle is shared with the adjacent property. The parking lot requires a 7-foot wide landscaped yard and screening along Oakland Avenue and adjacent to the north property line. The parking lot meets this requirement along Oakland Avenue as a dense hedge and fencing is provided. The parking lot cannot meet the requirement adjacent to the north property line unless all parking spaces are removed. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require compliance as all parking spaces would need to be removed in their entirety due to the fact that the parking stalls directly abut the property line and utilize the drive-aisle on the adjacent property. There are no tree islands in

this parking lot. The parking lot meets the 25 foot linear tree requirement as the applicant is proposing to plant a canopy tree along Oakland Avenue in this location. An additional canopy tree is being provided on the east side of the parking lot as well. Alternative compliance is required as not all parking spaces are within 50 feet of an on site deciduous tree, however. Two of the existing parking stalls are farther than 50 feet. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as the applicant is installing two canopy trees on the east and west side of the site. Existing vegetation within the outdoor courtyard would need to be removed in order to fully comply with this provision.

The large parking lot primarily on the south side of the site currently consists of 127 surface parking stalls. With the proposed addition, that parking lot would be reduced by 36 spaces to 91 spaces due to the reconfiguration of the parking on the site. A 7-foot wide landscaped yard and screening are required along the east property line (Oakland Avenue), the west property line (Park Avenue) and along the south property line. According to the submitted drawings a 7-foot wide landscaped area would be provided along all 3 property lines; however, none of the areas accommodate the required landscaping and screening combination. Alternative compliance would be required. The applicant is proposing to install a black decorative metal fence around the perimeter of the site which matches the fencing on the adjacent high-rise residential building to the north. This in conjunction with a dense continuous hedge around the parking area would satisfy the screening requirement. Planning Staff will recommend that the Planning Commission require compliance with the screening provision as outlined in Section 530.170 of the Zoning Code. The majority of the parking spaces in this parking lot are not located within 50 feet from the center of an on-site deciduous tree. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require that tree islands be installed in the parking lot at the north and south ends of the proposed parking aisles that are a minimum of 7 feet in width in any direction; this will likely result in the loss of a minimum of 6 off-street parking spaces. There are a lot of excess parking stalls in the surface parking lot, as well as oversized drive-aisles. Currently, no tree islands are proposed. The parking lot does not meet the 25 foot linear tree requirement on Park Avenue or Oakland Avenue, alternative compliance would be necessary. Planning Staff will recommend that one additional tree be installed along both Park Avenue and Oakland Avenue in order to meet the requirement.

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.**

There is an existing 127 space surface parking lot located on the subject site that is accessed via two curb cuts on Oakland Avenue. There is a separate 11 space surface parking lot located on the north side of the property that is interconnected with the property to the north, also accessed via Oakland Avenue which is an apartment building owned by Ebenezer. No changes are proposed to this parking lot. As a result of the proposed addition,

the existing parking lot on the south side of the site would be reconfigured and be reduced to 91 off-street spaces. Portions of the parking lot would be defined by 6 inch by 6 inch concrete curb and gutter and other areas allow for on-site retention and filtration due to the presence of bumper blocks.

Staff would not expect the proposed addition to result in the significant 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. The site has been developed in such a manner that it appears to adhere to many of the crime prevention standards outlined in the Zoning Code. A major exception to this is the lack of windows that meet the CPTED guidelines.

There are no historic structures on the premises. The applicant proposes to renovate portions of the interior of the existing structure that is currently located on the property as well as construct a two-story carriage style addition.

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 office use is non-conforming in the R6 district.

With the approval of the expansion of a non-conforming use, variance and site plan review this development would meet the requirements of the R6 zoning district.

Parking and Loading:

Minimum automobile parking requirement: The minimum automobile parking requirement for office uses is 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. Based on the gross floor area of the building with the proposed addition at 10,343 square feet, a total of 13 off-street parking spaces would be required. The development complies as a total of 91 parking spaces are provided on the south side of the site, and an additional 11 spaces are provided in a separate parking lot on the north side of the site totaling 102 off-street parking spaces.

Maximum automobile parking requirement: The maximum automobile parking requirement for office uses is 1 space per 200 square feet of gross floor area. Based on the gross floor area of the building with the proposed addition at 10,343 square feet, a total of 51 off-street parking spaces would be the maximum. A total of 102 spaces exist on the premises. Due to the fact that the off-street parking lot is existing, and the fact that the building is being located in a portion of the existing surface parking lot on the south side of the site resulting in an overall reduction of 36 spaces from 127 spaces to 91 spaces; the site is actually becoming more conforming; no variance is needed to exceed the maximum in this circumstance as it is an existing condition.

Bicycle parking requirement: Chapter 541 requires a total of 3 bicycle parking spaces for the office use. Planning Staff shall require that a minimum of 3 bicycle parking spaces be provided on the premises. Not less than 50% of the required bicycle parking shall meet the standards for long-term bicycle parking which are as follows:

- *Required long-term bicycle parking spaces shall be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. With permission of the zoning administrator, long-term bicycle*

parking spaces for non-residential uses may be located off-site within three hundred (300) feet of the site.

Loading: A small loading space is required. The final plan shall designate one small loading space that is 10 feet by 25 feet in size.

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. The dumpsters located in the surface parking lot on the premises must be screened to meet the above listed standards.

Signs: No new signage is proposed. Any future new signage is required to meet the requirements of the code. A separate permit will need to be attained through the Zoning Office for any new signage on the subject site.

Lighting: 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: Not applicable for a non-conforming office use in the R6 district; however, the gross floor area of the building which would be approximately 10,343 square feet divided by the area of the lot which is 60,940 square feet. The outcome is an FAR of .17.

Minimum Lot Area: Not applicable for a non-conforming office use in the R6 district.

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

Height: The height of the existing building is 2.5 to 3 stories or 39 feet tall. The proposed addition is 3 stories (2 floors) or 32 feet tall. Due to the fact that the building is occupied by a non-conforming use, there is no height specification for office uses in the R6 district.

Yard Requirements: The required yards are as follows:

- *Front yard requirement:*
 - *Park Avenue: 56 feet due to a front yard increase per Section 547.160(b). The applicant is proposing to vary this yard requirement to approximately 46 feet.*
 - *Oakland Avenue :): approximately 47 feet, 4 inches due to a front yard increase per Section 547.160(b).*
- *Interior side yard (5+2x): 9 feet*

Building coverage: The maximum building coverage in the R6 District is 70 percent. Buildings would cover approximately 6.7 percent of the lot.

Impervious surface area: The maximum impervious surface coverage in the R6 District is 85 percent. Impervious surfaces would cover approximately 74 percent of the site.

MINNEAPOLIS PLAN

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an area designated as urban neighborhood, within the designated Wells Fargo/Hospitals Area Growth Center and just

outside of an area designated as public and institutional uses. According to *The Minneapolis Plan for Sustainable Growth*, the following policies and implementation steps apply to this proposal:

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

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states “Ensure appropriate transitions between uses with different size, scale, and intensity. This policy includes the applicable implementation steps: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area; (1.2.2) “Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential uses.”

Land Use Policy 1.15 of *The Minneapolis Plan for Sustainable Growth* states “Support development of Growth Centers as locations for concentration of jobs and housing, and supporting services.”

The proposal to construct a 3,950 square foot addition to an existing non-conforming office building is in conformance with the above noted policies and implementation steps of the comprehensive plan.

Section C: 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. 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 Ebenezer corporate office expansion 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:

- Natural Surveillance and visibility: The design of the addition doesn't necessarily maximize natural surveillance and visibility. Alternative compliance would be required. Planning Staff will recommend that additional windows be installed in order to improve this aspect of the proposed addition.
- 30% window requirement – East elevation: The east elevation of the proposed addition along Park Avenue does not incorporate windows that meet the 30% window requirement. Due to the elevated first floor height, the windows that appear to be clerestory windows are actually approximately 3 feet above the level of the first floor. Therefore, a total of 11% windows are provided on this elevation of the building but they cannot be counted as they are greater than 4 feet above grade. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this unique circumstance as it would not be practical to require additional windows in this elevation.
- Distribution of windows– East elevation: The windows are more or less evenly distributed but not vertical in proportion. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance as a result of the unique circumstances previously mentioned.
- 30% window requirement – West elevation: The west and south elevations are also required to meet the 30% window requirement as they are oriented towards the on-site surface parking lot. The same circumstances exist as the first floor level does not begin until approximately 4 feet above grade. On the west elevation (facing Oakland Avenue) approximately 9% are provided but they cannot be counted as they are greater than 4 feet above grade. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant partial alternative compliance and require that an additional window be installed in this elevation.
- Distribution of windows– West elevation: The windows are not currently evenly distributed but are vertical in proportion. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require compliance with even distribution on this elevation.
- 30% window requirement – South elevation: On the south elevation approximately zero windows are provided. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require windows that are similar in appearance to those located on the west elevation. The windows must be vertical in proportion and evenly distributed.
- Landscape quantities: The zoning code requires that there be at least 23 trees and 114 shrubs. A total of 7 canopy trees, 5 ornamental trees and 61 shrubs would be located on the premises following construction of the building addition. The proposal is not meeting the minimum landscape quantity requirements; alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require compliance with this provision as there is adequate green space on the property to accommodate the minimum quantities of trees and shrubs.
- 7-foot landscaped yard and screening – North parking lot: The parking lot on the north side of the site is an existing condition. The 11-space surface parking lot is interconnected with the parking lot located on the property to the north which is also owned by Ebenezer. The parking spaces are located on the subject property but the drive-aisle is shared with the adjacent property. The parking lot requires a 7-foot wide landscaped yard and screening along Oakland Avenue and adjacent to the north property line. The parking lot meets this requirement along Oakland Avenue as a dense hedge and fencing is provided. The parking lot cannot meet the requirement adjacent to the north property line unless all parking spaces are removed. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative

compliance in this circumstance as it would not be practical to require compliance as all parking spaces would need to be removed in their entirety due to the fact that the parking stalls directly abut the property line and utilize the drive-aisle on the adjacent property.

□ Proximity to on site deciduous trees – North parking lot: Alternative compliance is required as not all parking spaces are within 50 feet of an on site deciduous tree, however. Two of the existing parking stalls are farther than 50 feet. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as the applicant is installing two canopy trees on the east and west side of the site. Existing vegetation within the outdoor courtyard would need to be removed in order to fully comply with this provision.

□ 7-foot landscaped yard and screening – South parking lot: The large parking lot primarily on the south side of the site currently consists of 127 surface parking stalls. With the proposed addition, that parking lot would be reduced by 36 spaces to 91 spaces due to the reconfiguration of the parking on the site. A 7-foot wide landscaped yard and screening are required along the east property line (Oakland Avenue), the west property line (Park Avenue) and along the south property line. According to the submitted drawings a 7-foot wide landscaped area would be provided along all 3 property lines; however, none of the areas accommodate the required landscaping and screening combination. Alternative compliance would be required. The applicant is proposing to install a black decorative metal fence around the perimeter of the site which matches the fencing on the adjacent high-rise residential building to the north. This in conjunction with a dense continuous hedge around the parking area would satisfy the screening requirement. Planning Staff will recommend that the Planning Commission require compliance with the screening provision as outlined in Section 530.170 of the Zoning Code.

□ Proximity to on site deciduous trees – South parking lot: The majority of the parking spaces in this parking lot are not located within 50 feet from the center of an on-site deciduous tree. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission require that tree islands be installed in the parking lot at the north and south ends of the proposed parking aisles that are a minimum of 7 feet in width in any direction; this will likely result in the loss of a minimum of 6 off-street parking spaces. There are a lot of excess parking stalls in the surface parking lot, as well as oversized drive-aisles.

□ 25-foot linear tree requirement: The parking lot does not meet the 25 foot linear tree requirement on Park Avenue or Oakland Avenue, alternative compliance would be necessary. Planning Staff will recommend that one additional tree be installed along both Park Avenue and Oakland Avenue in order to meet the requirement.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

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 an expansion of a legal nonconforming use to allow an existing office in the R6 (Multiple-family) district to construct a 3,950 square foot building addition on the property located at 2722 & 2742 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 variance application to reduce the front yard setback requirement along Park Avenue adjacent to the east property line from approximately 56 feet to 46 feet to allow the proposed addition on the property located at 2722 & 2742 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 a new 2 story, 3,950 square foot addition to an existing office in the R6 district on the property located at 2722 & 2742 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 August 29, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The final landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
4. A 4-foot tall black decorative metal fence shall be provided around the perimeter of the site as shown on the final site plan. This treatment in conjunction with a dense continuous hedge around the south parking lot shall satisfy the screening requirement as required by Section 530.170 of the Zoning Code.
5. Tree islands shall be installed within the south parking lot at the north and south ends of the proposed parking aisles. Tree islands shall be a minimum of 7 feet in width in any direction as required by Section 530.170 of the Zoning Code.
6. An additional deciduous tree shall be installed along both Park Avenue and Oakland Avenue as required by Section 530.170 of the Zoning Code to meet the 25-foot linear tree requirement.
7. The west elevation of the proposed addition shall include an additional similarly sized window that is evenly distributed.
8. The south elevation shall incorporate windows similar to those on the west elevation of the structure. The windows must be vertical in proportion and evenly distributed.
9. Bicycle parking shall be provided for a minimum of 3 bicycles on the premises that comply with the long-term standards as noted in Section 541.180 of the Zoning Code.
10. The final plan shall designate one small loading space that is 10 feet by 25 feet in size.
11. The dumpsters located in the surface parking lot shall be screened as required by Section 535.80 of the Zoning Code. A detail of the trash enclosure must be included on the final plans.

Attachments:

1. Statement of proposed use and description of the project
2. Findings
3. Correspondence
4. Zoning Map
5. Civil drawings, site plan/ landscaping plan, and elevations
6. Photographs of the site
7. PDR notes