

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5351

Date: October 31, 2011

Applicant: Minneapolis Park and Recreation Board

Address of Property: 1615 Pierce Street Northeast, and 1500-20 Johnson Street Northeast, 1301, 1400, and 1601 Fillmore Street Northeast

Project Name: Northeast Athletic Field Lighting Improvements

Contact Person and Phone: Jay Pomeroy, Anderson-Johnson Associates, (763) 544-7129

Planning Staff and Phone: Robert Clarksen, (612) 673-5877

Date Application Deemed Complete: September 30, 2011

End of 60-Day Decision Period: November 28, 2011

Ward: 1 Neighborhood Organization: Northeast Park

Existing Zoning: R1A, Single-Family District and I1, Light Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 10

Legal Description: Not applicable for this application

Proposed Use: Install 6 light poles as part of improvements to existing baseball/softball field.

Conditional use permit: to increase the maximum height a principal structure from 35 feet to 80 feet to add six light poles at Northeast Park at 1500 Johnson Street Northeast, 1301, 1400, and 1601 Fillmore Street Northeast in the R1A Single Family Residential district, and 1401 Polk Street in the I1 Limited Industrial district. (Please note that the public notice referred to eight light poles.)

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

Background: The Minneapolis Park and Recreation Board (MPRB) is in the process of upgrading the facilities at Northeast Athletic Fields, primarily the existing softball/baseball field located at the northeast corner of the intersection of 14th Avenue Northeast and Fillmore Street, which is part of the larger Northeast Athletic Fields complex. The subject application is related to the proposed installation of six light poles situated around the perimeter of the ball diamond in this part of the park. The project is similar in nature to improvements made at other MPRB facilities recently. The majority of the site is

located in the R1A, Single Family Residential District, although a portion of the facility located east of Fillmore Street Northeast is zoned I1, Light Industrial. In either district, principal structures (such as the proposed light poles) are subject to a maximum height requirement of 35 feet, as described below:

535.110. Light poles and flag poles. (a) Light poles. Light poles accessory to single or two-family dwellings and cluster developments and multiple-family dwellings of three (3) or four (4) units shall be limited to eight (8) feet in height. Light poles accessory to all other uses shall be limited to thirty-five (35) feet in height, except that light poles designed or intended to illuminate walkways shall be limited to fifteen (15) feet in height.

The proposed light poles exceed the 35 foot requirement, and require a conditional use permit. The applicant will also be conducting improvements to some of the accessory structures at the site, including the renovation of the dugouts along either baseline, the addition of a new digital scoreboard in the outfield, and replacement of the outfield fence. The Zoning Administrator has determined these additional components of the project will be subject to administrative approval by CPED staff.

CONDITIONAL USE PERMIT - to increase the maximum height a principal structure from 35 feet to 80 feet to add 6 light poles at Northeast Park at 1500 Johnson Street Northeast, 1301, 1400, and 1601 Fillmore Street Northeast in the R1A Single Family Residential district, and 1401 Polk Street in the I1 Limited Industrial district.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and concluded the following findings of fact:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division believes the proposed height of the light poles as increased from the maximum 35 feet to 80 feet would not be detrimental to health safety, comfort or general welfare. The light poles will be installed at the perimeter of an existing ballfield to illuminate the playing surface during athletic events. The existing ballfield is located in the southwest quadrant of a large park. The specific site is across 14th Avenue from a low density residential neighborhood. CPED staff believes the residential uses nearest to the park are located far enough from the ballfield such that the proposed lighting is unlikely to pose any negative impacts. MPRB is aware of the general performance standards for lighting in Ch. 535.590 of the zoning code. The applicant has provided a lighting plan indicating the project will comply with these regulations.

2. The conditional use 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 increasing the height of the light poles from 35 feet to 80 feet would be injurious to the use and enjoyment of other property in the area. The proposed improvements to the subject site are consistent with the orderly development of the Northeast Park

athletic fields and the surrounding area. The light poles will be installed at the perimeter of an existing ballfield to illuminate the playing surface during athletic events. The existing ballfield is located in the southwest quadrant of a large park, and across the street from a low density residential neighborhood. CPED staff believes the residential uses nearest to the park are located far enough from the ballfield such that the proposed lighting improvements are unlikely to pose any adverse impacts upon these properties. The applicant has provided a lighting plan that indicates the proposed lighting will comply with chapter 535.590 of the zoning code.

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

Increasing the height of the light poles will have no impact on utilities, access roads or drainage.

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

Increasing the height of the light poles will have no impact on traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

The Planning Division believes that the proposed development is consistent with the following policies of *The Minneapolis Plan for Sustainable Growth*:

- Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing (Policy 7.1).
- Ensure that all site lighting requirements and directional signs have appropriate illumination levels to comply with zoning and industry illumination standards (Implementation Step for Policy 10.17).

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

The applicant has provided a lighting plan that indicates the proposed lighting will comply with the regulations of chapter 535.590 of the zoning code. The plan provided by the applicant indicates the athletic field lights will be operated so as to ensure the intensity of the lights, and any glare produced by the lights will be minimal at the park board property line, so as to avert the creation of a public nuisance. The zoning code includes a provision which allows outdoor recreation facilities that meet the general requirements of the zoning ordinance regarding lighting to be exempt from the requirements of sections 535.590 regarding the lighting of athletic fields between the hours of 7:00 a.m. and 10:00 p.m. due to their unique requirements for nighttime visibility and limited hours of operations.

Additional Findings Required:

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height:

1. Access to light and air of surrounding properties.

The height of the light poles will not have any negative impact on the amount of light and air surrounding properties receive. The applicant should operate the proposed lighting consistent with the general performance standards of the zoning code.

2. Shadowing of residential properties or significant public spaces, or existing solar energy systems.

The Planning Division does not believe that increasing the height of the light poles will cause shadowing on surrounding residential properties or any significant public spaces. Additionally, the proposed poles will not shadow any existing solar energy systems.

3. The scale and character of surrounding uses.

The height of the proposed light poles is consistent with the nature of lighting equipment found at other busy city athletic fields. Although the immediate neighborhood is mostly comprised of low rise and low density residential development, the proposed light poles are lack bulk and should not cast shadows, and are therefore consistent with the scale and character of the structures in the surrounding residential neighborhood. Additionally, the site is near Interstate Highway 35W which also has tall light poles.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The Planning Division does not believe that increasing the height of the light poles will impede views of landmark buildings, significant open spaces, or water bodies.

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 adopt the above findings and **approve** the conditional use permit application to increase the maximum height a principal structure from 35 feet to 80 feet to add 6 light poles at Northeast Park at 1500 Johnson Street Northeast, 1301, 1400, and 1601 Fillmore Street Northeast in the R1A Single Family Residential district, and 1401 Polk Street in the I1 Limited Industrial district, 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.

Attachments:

1. Letter from Bruce Chamberlain dated August 31, 2011, which contains:

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- A statement of proposed use for the project,
 - Provides notification to Council Member Kevin Reich (Ward 1),
 - Provides notification to Christie Rock, of the Northeast Park Neighborhood Association
2. Letter from Jay Pomeroy (9/30/11) addressing the required findings for a Conditional Use Permit
 3. Zoning Map
 4. Site plan
 5. Chapter 535.590 – General lighting requirement.
 6. Photometric plan
 7. Aerial photo of the site
 8. Elevation plan of the proposed light poles
 9. Elevation plan of the proposed scoreboard
 10. Photographs of the site and surrounding area