

Department of Community Planning and Economic Development
Conditional Use Permit and Site Plan Review
BZZ-5916

Date: March 4, 2013

Applicant: Minneapolis Park and Recreation Board

Address of Property: 4300 Webber Parkway

Project Name: Webber Park

Contact Person and Phone: Brady Halverson with Landform Professional Services, (612) 252-9070

Planning Staff and Phone: Hilary Dvorak, Principal City Planner, (612) 673-2639

Date Application Deemed Complete: February 6, 2013

End of 60-Day Decision Period: April 8, 2013

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

Ward: 4 **Neighborhood Organization:** Webber-Camden and adjacent to Lind-Bohanon

Existing Zoning: R1A, Single-family District and SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 4

Legal Description: Not applicable for this application

Proposed Use: Park

Concurrent Review:

Conditional use permit: to allow development within 50 feet of the ordinary high water mark of Webber Pond per the standards of the SH Shoreland Overlay District.

Site plan review: to allow for the construction of a new 2,950 square foot bath house.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 530, Site Plan Review

Background: Webber Park, located in north Minneapolis, is part of the Grand Rounds park system that runs through the City of Minneapolis. Webber Park is generally bounded by Webber Parkway, 45th

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Avenue North, railroad tracks and Lyndale Avenue North. Webber Park is approximately 20 acres in size.

In February of 2012, the Minneapolis Park and Recreation Board approved a master plan for Webber Park which included several changes to the park. The changes include the removal of the existing children's wading pool and man-made reservoir, the construction of a natural swimming pool with a regeneration basin and a new stormwater pond, a new 2,950 square foot bath house, a new 450 square foot pump house, an enlarged parking lot, new bicycle and pedestrian paths, landscaping improvements and lighting improvements. The existing recreation center, tennis courts, basketball courts and playground will remain on the site.

Webber Pond is man-made and due to a leak in the existing lining continual pumping of fresh water (at a rate of 3-5 times its volume annually) from an on-site well is required in order to maintain its water levels. The overall changes to Webber Park are meant to improve water quality and site sustainability and increase the usefulness of the park for a greater number of people.

Webber Park is located in the SH Shoreland Overlay District. This overlay district regulates development located on or near the top of steep slopes or within 50 feet of the ordinary high water mark of any protected water. As defined in section 551.460 of the Minneapolis Zoning Code, development in the SH Shoreland Overlay District is:

Development. The erection, construction, reconstruction, relocation or enlargement of any structure except walkways, stairways, retaining walls, light poles, piers, docks and similar structures where accessory to a public park, unenclosed structures up to four hundred (400) square feet and not more than twenty (20) feet wide used for the storage of watercraft where accessory to a public park and if located at least ten (10) feet from the ordinary high water mark of any protected water, and stairways and seasonal docks not exceeding four (4) feet in width where accessory to any other use.

In this case, Webber Pond is the protected water. Since the pond itself is being redeveloped, a conditional use permit must be obtained in order to complete the proposed changes. The construction of the proposed bath house and the pump house also trigger the conditional use permit as they are being constructed within 50 feet of the ordinary high watermark of the existing Webber Pond and within 50 feet of the ordinary high water mark of the proposed natural swimming pool, regeneration basin and stormwater pond. Other features of the development, such as the proposed water slide, are also captured in the conditional use permit as they are not exempt per the definition of development as stated above. In addition, since the proposed bath house is over 1,000 square feet site plan review is also required.

It should be noted that Webber Park is also located within 300 feet of Shingle Creek. However, the requested conditional use permit is not needed because of the site's proximity to the creek as the proposed development complies with all of the SH Shoreland Overlay District requirements as it pertains to this protected water.

CONDITIONAL USE PERMIT - To allow development within 50 feet of the ordinary high water mark of Webber Pond per the standards of the SH Shoreland Overlay District

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development has analyzed the application and from the findings above concludes that:

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 Department of Community Planning and Economic Development finds that allowing the Minneapolis Park and Recreation Board to make the proposed changes to Webber Park would not be detrimental to or endanger the public health, safety, comfort or general welfare. The proposed changes will enhance Webber Park and the usability of it.

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 Department of Community Planning and Economic Development finds that allowing the Minneapolis Park and Recreation Board to make the proposed changes to Webber Park would not be injurious to the use and enjoyment of other property in the area. The site is and will continue to be used as a public park.

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

The applicant will be working closely with the Department of Community Planning and Economic Development, the Public Works Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

There are currently 19 parking spaces located on the northwesterly end of the park. Once the development is complete the parking lot will be expanded and there will be 73 parking spaces located on site. The existing curb cut off of Webber Parkway will continue to provide access to the enlarged parking lot.

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

Webber Park is located in north Minneapolis. It is generally bounded by Webber Parkway, 45th Avenue North, railroad tracks and Lyndale Avenue North. Both Webber Parkway and Lyndale Avenue North

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are Community Corridors and the area around the intersection of Lyndale Avenue North and 42nd Avenue North is a Neighborhood Commercial Node as designated in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the property as Parks and Open Space. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing (Open Space & Parks Policy 7.1).
- Ensure safety in open spaces by encouraging Crime Prevention through Environmental Design strategies (Implementation Step for Open Space & Parks Policy 7.1.2).
- Ensure open spaces provide peaceful, meditative, and relaxing areas as well as social, recreational, and exercise opportunities (Implementation Step 7.1.4).
- Provide equipment, programming, and other resources when possible that promote the physical and mental health of citizens (Implementation Step 7.1.5).
- Maintain and improve the accessibility of open spaces and parks to all residents (Open Space & Parks Policy 7.3).
- Encourage the development of a broad array of recreation facilities and opportunities in response to a diverse range of resident interests (Implementation Step 7.3.2).
- Work to restore and preserve ecosystem functions in green open space areas (Open Space & Parks Policy 7.4).
- Identify ecological impacts on open spaces and parks caused by urban uses, for example stormwater runoff, and work to mitigate these impacts in order to advance environmental and human health (Implementation Step 7.4.3).
- Encourage the protection, conservation and maintenance of the environment in the design and operation of open spaces (Implementation Step 7.4.4).

The Department of Community Planning and Economic Development finds that the proposed changes to Webber Park are in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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

With the approval of the conditional use permit and site plan review this development will meet the applicable regulations of the R1A, Single-family District and SH Shoreland Overlay District.

551.490. Conditional uses and variances. In addition to the conditional use and variance standards contained in Chapter 525, Administration and Enforcement, the city planning commission and board of adjustment shall consider the following:

1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.

Erosion control plans have been submitted for review by the Department of Community Planning and Economic Development and the Public Works Department. These plans will need to be reviewed and approved prior to the issuance of building permits. The applicant has also submitted erosion control plans to the Shingle Creek Watershed District for review. They too will need to issue permits before any work can commence at the site.

2. Limiting the visibility of structures and other development from protected waters.

Given the topography of the site the proposed bath house and pump house will be visible from Webber Pond. The bath house is 31 feet in height when measured to the peak of the roof and the pump house is 16 feet when measured to the peak of the roof. The overall height of structures (measured to the mid-point of the roof), except single and two-family dwellings, allowed in the SH Shoreland Overlay District is 2.5 stories or 35 feet. Given the overall height of the proposed structures neither exceeds the allowed height in the SH Shoreland Overlay District. Given the aesthetic nature of the structures the Department of Community Planning and Economic Development finds that these structures will not be detrimental to the view shed from Webber Pond.

3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

This development will not impact watercraft usage on Webber Pond.

551.510. Grading and filling. Grading or filling involving more than ten (10) cubic yards where the slope of the land is toward a protected water shall be prohibited within the SH Overlay District except where authorized by an erosion control plan approved by the city engineer and the zoning administrator, subject to the following conditions:

(1) The smallest amount of bare ground shall be exposed for as short a time as feasible.

The applicant has indicated that the smallest amount of bare ground will be exposed for as short of a time as possible. Given the budget, the applicant has indicated that they only intend to disturb what is necessary.

(2) Temporary ground cover, such as mulch, shall be used and permanent ground cover, such as turf grass, native grasses or other perennial flowering plants, vines, shrubs or trees shall be established.

Temporary ground cover will be used during construction. Once construction is complete new trees, shrubs, perennials, native vegetation and sod will be planted throughout the site.

(3) Best management practices to prevent erosion and trap sediment shall be employed to ensure that soil loss levels do not degrade the protected water.

The applicant has indicated that erosion control measures will be provided as required by the City of Minneapolis Erosion Control Permit and the Shingle Creek Watershed District.

(4) Fill shall be stabilized to accepted engineering standards.

The applicant has indicated that the engineered drawings specify soil compaction and stabilization per industry standards.

(5) Any work which will change or diminish the course, current or cross-section of a protected water shall be prohibited except where approved by the commissioner of natural resources.

Webber Pond is man-made and due to a leak in the existing lining continual pumping of fresh water (at a rate of 3-5 times its volume annually) from an on-site well is required in order to maintain its water levels. If this pumping did not occur Webber Pond would dry up on its own so intervention is necessary in order to maintain its existence. When the development is complete the existing Webber Pond will be replaced with a natural swimming pool, a regeneration basin and a new stormwater pond. The new pond will be fed by stormwater runoff and occasional overflow from the natural swimming pool. It will be planted with native vegetation and allowed to function as a natural body of water.

(6) The top of a riverbank or lake bank shall not be moved closer to the protected water.

The development does not disrupt the top of a riverbank or lake bank.

(7) Such grading or filling shall comply with the provisions of Chapter 52, Erosion and Sediment Control for Land Disturbance Activities, of the Minneapolis Code of Ordinances.

The applicant has indicated that erosion control measures will be provided as required by the City of Minneapolis Erosion Control Permit and the Shingle Creek Watershed District.

551.520. Removal of vegetation. Removal of vegetation on steep slopes or bluffs or within forty (40) feet of the top of steep slopes or bluffs, or within fifty (50) feet of the ordinary high water mark of any protected water, shall be prohibited within the SH Overlay District except as authorized by the zoning administrator subject to the following conditions:

(1) Clear cutting of vegetation shall be prohibited, except as necessary for an approved development and subject to the requirements of this article and Chapter 535, Regulations of General Applicability. This provision shall not prevent the removal of noxious weeds or dead or diseased vegetation.

Vegetation will be removed from around the existing edge of Webber Pond. Once the natural swimming pool, regeneration basin and stormwater pond have been constructed native vegetation will be planted around the edge of the stormwater pond and additional trees, shrubs, perennials, native vegetation and sod will be planted throughout the site.

(2) Selective removal of vegetation shall be allowed, subject to the requirements of this article and Chapter 535, Regulations of General Applicability, provided sufficient vegetative cover

remains to screen parking areas, dwellings and other structures when viewed from the protected water and provided a continuous natural cover is maintained.

The proposed landscaping plan shows sufficient screening around the enlarged parking area and around the natural swimming pool, regeneration basin and stormwater pond.

(3) Vegetation shall be restored to the extent feasible after any construction project is completed to retard surface runoff and soil erosion and to provide screening. Restoration shall be completed as soon as feasible, but in no case later than the beginning of the next growing season following the completion of a project.

Once construction is complete new trees, shrubs, perennials, native vegetation and sod will be planted throughout the site. The edge of the new Webber Pond will be lined with natural vegetation which will help it function as a natural body of water.

(4) Best management practices to prevent erosion and trap sediment shall be employed to ensure that soil loss levels do not degrade the protected water.

The applicant has indicated that erosion control measures will be provided as required by the City of Minneapolis Erosion Control Permit and the Shingle Creek Watershed District. The applicant has indicated that as part of this development the downstream end of the on-site system where stormwater currently discharges into Shingle Creek will be fixed. The new system will replace a 30 plus year-old structure with the most current treatment practices available.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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.
 - Minimum window area at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.
- 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 at the first or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

- **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.**

CPED RESPONSE:

- The proposed siting of the bath house on the park property will not reinforce the street wall but it will facilitate pedestrian access and maximize natural surveillance. The proposed building will be set back approximately 163 feet from the front property line along Webber Parkway which is much greater than the required setback of 25 feet in the R1A zoning district. The main entrance to the bath house faces Webber Parkway and a new pathway will be constructed from the public sidewalk to this entrance. Alternative compliance is needed for the increased setback of the building.
- The area in between the front property line and the bath house will contain a walking path, picnic tables, bike racks and landscaping.
- There are currently 19 parking spaces located on the northwesterly end of the park. Once the development is complete the parking lot will be expanded and there will be 73 parking spaces located on site. The existing curb cut off of Webber Parkway will continue to provide access to the enlarged parking lot.
- The exterior materials of the bath house include brick, stucco and glass. The sides and rear of the building are similar to and compatible with the front of the building.

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- The west and north walls of the bath house are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Alternative compliance is needed.
- At least 30 percent of the first floor of the Webber Parkway side of the bath house is required to be windows. The minimum window calculation for the first floor of the building is measured between two and ten feet above the finished level of the first floor and the bottom of any window used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade. In order to meet the window requirement 125 square feet of window area is required. As shown, there is 42 square feet of window area (or 10 percent) provided. Alternative compliance is needed.
- The windows in the development are vertical in nature and are evenly distributed along the building walls.
- The entire building frontage along Webber Parkway contains active functions.
- The principal roof line of the building will be pitched although the corner of the building has a flat roof. In the neighborhood there is a mixture of pitched roofed and flat roofed buildings.

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.**

CPED RESPONSE:

- The entrance leading into the building is connected to the public sidewalk via a series of walkways that run through the site.
- No transit shelters are proposed as part of this development.
- There are currently 19 parking spaces located on the northwesterly end of the park. Once the development is complete the parking lot will be expanded and there will be 73 parking spaces located on site. The existing curb cut off of Webber Parkway will continue to provide access to the enlarged parking lot.
- There is no public alley on the block.
- The maximum impervious surface requirement in the R1A zoning district is 65 percent. According to the materials submitted by the applicant 27.5 percent of the site will be impervious.

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.**

CPED RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 906,895 square feet. The total footprint of the buildings on site is 14,820 square feet. When you subtract the footprint from the lot size the resulting number is 892,075 square feet. Twenty percent of this number is 178,415 square feet. According to the applicant's landscaping plan there is 657,487 square feet of landscaping on the site or approximately 72.5 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 356 and 1,784 respectfully. There are 146 existing trees (this includes canopy trees, evergreen trees and ornamental trees) within the park that will remain after the development is complete. The applicant is proposing to plant an additional 78 canopy trees, 26 evergreen trees and 21 ornamental trees. In total there will be 271 trees in the park. Alternative compliance is needed. There are approximately 70 existing shrubs within the park that will remain after the development is complete. The applicant is proposing to plant an additional 264 shrubs. In total there will be approximately 334 shrubs in the park. Alternative compliance is needed. The applicant is also proposing to plant 2,249 perennials and 1,340 rain garden plants in the park. In

addition, there are several hundred feet of creek bank where the trees and shrubs show up as a mass on the survey. The exact count of trees and shrubs in this area of the site is unknown.

- The zoning code requires that a seven-foot wide landscaped yard be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The parking lot is located 105 feet back from Webber Parkway.
- The zoning code requires screening that is three feet in height and equal to 60 percent opaque be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The landscaping plan shows shrubs being planted along the southeasterly side of the parking lot but not along the southwesterly side of the parking lot which faces the street. Alternative compliance is needed.

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.**

CPED RESPONSE:

- There are currently 19 parking spaces located on the northwesterly end of the park. Once the development is complete the parking lot will be expanded and there will be 73 parking spaces located on site. The parking lot will be graded so stormwater runoff will drain towards two new rain gardens located towards the north and southeast.
- There are no important elements of the city near the site that will be obstructed by the proposed building.
- This building should have minimal shadowing effects on public spaces and adjacent properties.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as there are walkways that direct people to the building entrances, there is a series of internal walkways that connect the different functions within the park to each other and there are light fixtures throughout the park.

- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Public parks are a permitted use in the R1A zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: Public parks do not have a minimum parking requirement.

Maximum automobile parking requirement: The maximum parking requirement for a public park is as determined by the Zoning Administrator. There are currently 19 parking spaces located on the northwesterly end of the park. Once the development is complete the parking lot will be expanded and there will be 73 parking spaces located on site. The Department of Community Planning and Economic Development finds that this is a reasonable amount of parking due to the fact that there is an existing recreation center, tennis courts, basketball courts and playground that will remain on the site once the development of the natural swimming pool is complete.

Bicycle Parking: Public parks do not have a bicycle parking requirement, however, there are 27 bicycle parking spaces provided on site.

Loading: Public parks do not have a loading requirement.

- **Maximum Floor Area:** The maximum FAR for a public park in the R1A zoning district is .5. The lot in question is 906,895 square feet in area. The applicant proposes a total of 14,820 square feet of gross floor area, an FAR of .02.
- **Building Height:** The overall height of structures (measured to the mid-point of the roof), except single and two-family dwellings, allowed in both the R1A zoning district and the SH Shoreland Overlay District is 2.5 stories or 35 feet. The bath house is 31 feet in height when measured to the peak of the roof and the pump house is 16 feet when measured to the peak of the roof.
- **Minimum Lot Area:** The minimum lot area for a public park in the R1A zoning district is 20,000 square feet. The lot in question is 906,895 square feet in area.
- **Dwelling Units per Acre:** Not applicable for this application.
- **Yard Requirements:** The front yard setback along Webber Parkway is 25 feet and the rear and interior side yard setback are 5+2x, where x equals the number of stories above the first floor. The resulting setback for a one story building is five feet. All of the required setbacks are being met on site.

- **Specific Development Standards:** There are no specific development standards for a public park.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-Premise Signs. In the residence and OR1 zoning districts, parks are allowed to have one wall identification sign not exceeding 32 square feet. Maximum height of 14 feet or top of wall, whichever is less. On a corner lot, two such signs per building. In addition, one monument sign not exceeding 32 square feet in area and eight feet in height. Either the wall sign or the monument sign, but not both, may be a dynamic changeable copy sign. The dynamic changeable copy sign portion of the sign shall not exceed 16 square feet. Either the wall sign or the monument sign, but not both, may be illuminated. Dynamic changeable copy signs shall be allowed accessory to parks only when located on the same zoning lot as an enclosed recreation center. There are two existing freestanding signs on the site. One sign is 36 square feet in size and six feet in height and the other sign is 12 square feet in size and four feet in height. The applicant is not proposing to make any modifications to the existing signs and no new signage is proposed.
- **Refuse storage:** There is a series of small trash cans throughout the park and one large dumpster in the parking lot. The dumpster is not screened, however, the applicant does not know if the dumpster is going to remain in the parking lot once the development project is complete. To meet the requirements of the zoning code refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 Department of Community Planning and Economic Development is recommending that the refuse and recycling containers be enclosed per these standards if they are to be kept outside once the development project is complete.
- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan is in conformance with the requirements of Chapter 535, Regulations of General Applicability.

MINNEAPOLIS PLAN:

Webber Park is located in north Minneapolis. It is generally bounded by Webber Parkway, 45th Avenue North, railroad tracks and Lyndale Avenue North. Both Webber Parkway and Lyndale Avenue North are Community Corridors and the area around the intersection of Lyndale Avenue North and 42nd Avenue North is a Neighborhood Commercial Node as designated in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the property as Parks and Open Space. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Promote the physical and mental health of residents and visitors by recognizing that safe outdoor amenities and spaces support exercise, play, relaxation and socializing (Open Space & Parks Policy 7.1).
- Ensure safety in open spaces by encouraging Crime Prevention through Environmental Design strategies (Implementation Step for Open Space & Parks Policy 7.1.2).

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- Ensure open spaces provide peaceful, meditative, and relaxing areas as well as social, recreational, and exercise opportunities (Implementation Step 7.1.4).
- Provide equipment, programming, and other resources when possible that promote the physical and mental health of citizens (Implementation Step 7.1.5).
- Maintain and improve the accessibility of open spaces and parks to all residents (Open Space & Parks Policy 7.3).
- Encourage the development of a broad array of recreation facilities and opportunities in response to a diverse range of resident interests (Implementation Step 7.3.2).
- Work to restore and preserve ecosystem functions in green open space areas (Open Space & Parks Policy 7.4).
- Identify ecological impacts on open spaces and parks caused by urban uses, for example stormwater runoff, and work to mitigate these impacts in order to advance environmental and human health (Implementation Step 7.4.3).
- Encourage the protection, conservation and maintenance of the environment in the design and operation of open spaces (Implementation Step 7.4.4).

The Department of Community Planning and Economic Development finds that the proposed changes to Webber Park are in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator 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.**

CPED RESPONSE:

- The proposed siting of the bath house on the park property will not reinforce the street wall but it will facilitate pedestrian access and maximize natural surveillance. The proposed building will be set back approximately 163 feet from the front property line along Webber Parkway which is much greater than the required setback of 25 feet in the R1A zoning district. Alternative compliance is needed for the increased setback of the building. The Department of Community Planning and Economic Development is recommending that the City Planning Commission grant alternative compliance as strict adherence to the requirements is impractical because of the location of the

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natural swimming pool and regeneration basin. The bath house has been situated in such a manner so as to maximize views of the entire natural swimming pool for safety and security purposes.

- The west and north walls of the bath house are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. Alternative compliance is needed. The interior use of the bath house along the north wall is storage and mechanical rooms and the interior use of the bath house along the west wall is restrooms. While it would not be practical to locate windows along these walls some other type of treatment could be done to them so they are not blank for more than 25 feet. The Department of Community Planning and Economic Development is recommending that the City Planning Commission require that the north and west walls meet the requirements of Chapter 530, Site Plan Review. Complying with this provision of the zoning code also helps reduce opportunities for graffiti.
- At least 30 percent of the first floor of the Webber Parkway side of the bath house is required to be windows. The minimum window calculation for the first floor of the building is measured between two and ten feet above the finished level of the first floor and the bottom of any window used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade. In order to meet the window requirement 125 square feet of window area is required. As shown, there is 42 square feet of window area (or 10 percent) provided. Alternative compliance is needed. The bottom of one window on the Webber Parkway elevation is located more than four feet above the adjacent grade. If this window were to be lowered to four feet above the adjacent grade there would be 60 square feet of window area (or 14 percent) provided. It would be impractical to locate more windows on this elevation because if there were more added they would be providing views into the restrooms. The Department of Community Planning and Economic Development is recommending that the City Planning Commission grant alternative compliance to allow 14 percent windows on the Webber Parkway elevation in lieu of the required 30 percent. This recommendation will require that the one window be lowered so the bottom of it is four feet above the adjacent grade.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 356 and 1,784 respectfully. There are 146 existing trees (this includes canopy trees, evergreen trees and ornamental trees) within the park that will remain after the development is complete. The applicant is proposing to plant an additional 78 canopy trees, 26 evergreen trees and 21 ornamental trees. In total there will be 271 trees in the park. Alternative compliance is needed. There are approximately 70 existing shrubs within the park that will remain after the development is complete. The applicant is proposing to plant an additional 264 shrubs. In total there will be approximately 334 shrubs in the park. Alternative compliance is needed. The applicant is also proposing to plant 2,249 perennials and 1,340 rain garden plants in the park. In addition, there are several hundred feet of creek bank where the trees and shrubs show up as a mass on the survey. The exact count of trees and shrubs in this area of the site is unknown. The Department of Community Planning and Economic Development is recommending that the City Planning Commission grant alternative compliance as strict adherence to the requirements is impractical because of the sheer volume of trees and shrubs that would need to be planted in the park. The park has both active and passive areas within it. Filling these areas with trees and shrubs would prohibit the intended use of them.

- The zoning code requires screening that is three feet in height and equal to 60 percent opaque be provided when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The landscaping plan shows shrubs being planted along the southeasterly side of the parking lot but not along the southwesterly side of the parking lot which faces the street. Alternative compliance is needed. It would not be impractical to screen the southwesterly side of the parking lot. The Department of Community Planning and Economic Development is recommending that the applicant provide screening that is three feet in height and equal to 60 percent opaque along the southwesterly side of the parking lot.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow development within 50 feet of the ordinary high water mark of Webber Pond per the standards of the SH Shoreland Overlay District located at 4300 Webber Parkway 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 two years of approval.

Recommendation of the Department of Community Planning and Economic Development for the site plan review:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application to allow for the construction of a new 2,950 square foot bath house located at 4300 Webber Parkway subject to the following conditions:

1. Approval of the final site, landscaping, elevation and lighting plans by the Department of Community Planning and Economic Development.
2. All site improvements shall be completed by March 4, 2015, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The north and west walls of the building shall be designed so they are in compliance with Section 530.120 of the zoning code.
4. There shall be not less than 14 percent window area provided on the Webber Parkway elevation.

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5. Screening that is three feet in height and equal to 60 percent opaque shall be provided along the southwesterly side of the parking as required by Section 530.170 of the zoning code.
6. If the refuse and recycling containers are kept outside once the development project is complete they shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 as required by Section 535.80 of the zoning code.

Attachments:

1. January 2, 2013, Preliminary Development Review notes
2. History of Webber Park from the Minneapolis Park and Recreation Board
3. Approve master plan for Webber Park
4. Statement of proposed use and description of the project
5. Explanation of natural swimming pool system
6. Applicable findings for the conditional use permit and SH Shoreland Overlay District
7. January 16, 2013, e-mail to Council Member Johnson, the Webber-Camden Neighborhood Organization and the Lind-Bohanon Neighborhood Association
8. Zoning Map and SH Shoreland Overlay map
9. Architectural plans, civil plans, lighting plans and landscaping plans
10. Photographs of the site