

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permits, Variances and Site Plan Review
BZZ-2979

Date: June 12, 2006

Applicant: Jim Wald, Minnehaha Academy North Campus, 3100 West River Parkway,
Minneapolis, MN 55406, (612)729-8321

Addresses of Property: 4200 West River Parkway

Project Name: Minnehaha Academy South Campus

Contact Person and Phone: Ken Stone, Kodet Architectural Group, Ltd., 15 Groveland
Terrace, Minneapolis, MN 55403, (612)377-2737

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

Date Application Deemed Complete: April 10, 2006

End of 60-Day Decision Period: June 8, 2006

End of 120-Day Decision Period: On May 2, 2006, Staff sent the applicant a letter
extending the decision period to no later than August 7, 2006. The applicant submitted a
request for a further extension of time until August 15, 2006.

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: R1 (Single-family) District, MR (Mississippi River) Critical Overlay
District, SH (Shoreland) Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 34

Lot area: 525,200 square feet or 12.06 acres

Legal Description: Not applicable for this application

Proposed Use: Campus-wide improvements and renovations for the Minnehaha
Academy South Campus.

Concurrent Review:

- Amend the Conditional Use Permit for a school in the R1 district.
- Conditional Use Permit to increase the maximum permitted height.
- Variance of the required front yard along the east property line adjacent to West River Parkway South.
- Variance to allow parking in the required corner side yard along the north property line adjacent to 42nd Street East.
- Variance of the interior side yard setback along the south property line for an addition to the existing hockey rink to approximately 7.2 feet.
- Variance to reduce the required amount of on-site parking for the school to 110 parking spaces. *Application was returned*
- Variance to allow an increase in the maximum allowable fence height to 6.5 feet and to allow a fence greater than 8 feet in height on the property.
- Site Plan Review for proposed additions to the existing school, hockey rink, parking lot and other site improvements.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Article IX, Variances & Chapter 530 Site Plan Review.

Background: The applicant proposes numerous campus-wide improvements and renovations to the Minnehaha Academy South campus located on the property at 4200 West River Parkway. The property is currently zoned R1; schools are conditional uses in the R1 district. Therefore, the proposal requires that the conditional use permit be amended. Additional applications include a conditional use permit to increase the maximum permitted height of the proposed cupola/clock tower on the site to 61 feet tall and to allow an increase in building height for clerestory windows to 40 feet on the east elevation. The following variances are required based on the submitted proposal: (1) a variance of the required front yard along the east property line adjacent to West River Parkway as the existing building and hockey rink currently encroaches into the required yard and the proposed additions to the front of those buildings would further encroach as the property is subject to a front yard increase per 546.160. Additionally, parking proposed within the bus pick-up and drop off area is also within the required front yard; (2) a variance is required to allow parking in the required corner side yard along the north property line adjacent to 42nd Street East; (3) a variance is required for the interior side yard along the south property line for an addition to the existing hockey rink; (4) a variance to allow an increase in the maximum allowable fence height to 6.5 feet along the perimeter of 46th Avenue South and a portion of 42nd Street East as well as to allow a fence greater than 8 feet in height on the property as a 16 foot tall fence is proposed to line the outfield of the baseball field. The variance to reduce the required amount of off-street parking was returned to the applicant. The Zoning Administrator has historically made the determination that on school campuses, the most intensive parking calculation considering both the principal and accessory uses shall be the required amount of off-street parking. No compilation of all the accessory uses and their parking requirements as well as the principal use and those parking requirements is required to determine the

off-street parking requirement. Based on this interpretation the hockey rink requires the most parking; therefore 62 spaces are required for the school and no variance is needed as 110 parking spaces are proposed on site (there are 79 existing). Site plan review is also required for the proposed additions to the existing school, hockey rink, parking lot and other site improvements.

The project primarily involves the renovation of the existing 129,627 square foot PreK-8 school and additions of approximately 26,661 square feet to the school on the north and east elevations, including classrooms and enlarged classrooms, as well as a new entry adjacent to the bus drop-off and pick-up area. The renovations and additions would be of similar materials and architectural design to the North Campus. A chapel with a cupola is also proposed as part of the project. A 6,618 square foot addition to the existing 30,671 square foot hockey arena is also proposed. The student population is not expected to increase as the number of students currently at 600 will remain the same. The project would further include the reorganization of the school bus and parent pick-up and drop-off, with additional parking spaces.

The applicant has met with the official neighborhood group, The Longfellow Community Council. Staff has not received official correspondence prior to the printing of this report indicating a position on the applications.

CONDITIONAL USE PERMIT

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

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

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

To amend the conditional use permit for a school would not likely be detrimental to or endanger the public health, safety, comfort or general welfare. The proposal includes many renovations, additions and improvements to the existing site. The modification of the layout of the existing site to accommodate school bus and parent pick-up and drop-off, with additional parking would likely be an improvement and should not have negative impacts on the area. The student population of 600 would not be increasing based on the proposed improvements. Staff does not believe that the project would prove detrimental to public safety, comfort or general welfare.

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

The surrounding area is fully developed. The proposal to amend the conditional use permit for a school would likely not be injurious to the use and enjoyment of other property in the vicinity and would not likely impede the normal or orderly development and improvement of surrounding property for uses located in the district. The proposed additions to the existing school could be considered minor and the other improvements to the site, including additional parking, a separate bus drop-off and pick-up area as well as a parent pick-up and drop-off area as well as storm water retention proposed as part of the project would be expected to improve the functionality of the existing school.

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

The site would continue to be accessed off of 42nd Street East. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required 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 provided to minimize traffic congestion in the public streets.**

The school would continue to be accessed off of 42nd Street East, although additional curb cuts would be required based on the proposal to separate the bus pick-up and drop-off areas from the parking lot and a parent drop-off area. The proposal is providing all required parking, and in fact is providing in excess of the required amount.

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

The amended conditional use permit to allow improvements and renovations to an existing school is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant Policy: 9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Relevant Policy: 9.7 Minneapolis will work with institutional partners to assure that the scale and form of new development or expansion will occur in a manner most compatible with the surrounding area.

Relevant Policy: 9.21 Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.

The proposal to amend the conditional use permit for a school would reinforce the above listed policies.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including a conditional use permits, variances and site plan review, the proposal will comply with all provisions of the R1 District.

CONDITIONAL USE PERMIT - to increase the maximum permitted height from 2 1/2 stories or 35 feet to 5 stories or 61 feet for the proposed cupola or clock tower addition, and to allow an increase in building height for clerestory windows on the east elevation to 3 stories or 40 feet to allow for windows.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will be detrimental to or endanger the public health, safety, comfort or general welfare.

Staff does not believe that allowing a 61 foot cupola/clock tower addition to the existing structure or allowing an increase in building height for clerestory windows to 40 feet to allow natural light into the windowless interior of the school, would be detrimental to or endanger the public health, safety, comfort or general welfare. Relative to the existing structure only a small portion of the development once complete, would exceed the maximum permitted height.

- 2. Will be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

This property is located in fully developed area. The site slopes down toward the Mississippi River and the east side of the site is at a lower elevation than the west side of the site. Therefore the roof edge of the clerestory windows exceeds the 35 foot limitation by approximately 5 feet, however on the north side meets the height limitation. The new cupola/clock tower addition will be 61 feet tall however, it will not be taller than the existing mature trees along the park that abut the property line. Further, portions of the adjacent residential structure to the south appear to be 5 to 6 stories tall. The cupola has been designed to match the 61 foot height of the cupola on the North Campus. The additional height of small portions of the development should not be injurious to the use and enjoyment of other property in the area nor should it impede on possible future development.

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

As previously mentioned, the site would continue to be accessed off of 42nd Street East. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the plan be approved. This would be required 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 provided to minimize traffic congestion in the public streets.**

The additional height of the development should have no effect on the traffic congestion in the area. Measures have been provided in regard to minimizing traffic congestion from a parking perspective as the applicant would be providing additional parking than what currently exists which meets the parking requirement on site without increasing the student population as well as a separate bus pick-up and drop-off area from and a parent drop-off and pick-up area located within the parking lot.

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

See the above listed response to finding #5 in the conditional use permit application.

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

With the approval of the conditional use permits, variances and the site plan review this development would be in conformance with the applicable regulations of the zoning code.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

In addition to the conditional use standards, the city 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.

This development should not impact the amount of light and air that surrounding properties receive as the proposed portions of the structure that exceed the allowable height are located on the east side of the property and appear to be oriented far enough towards the interior of the site.

2. Shadowing of residential properties or significant public spaces.

Staff would not expect any shadowing of adjacent residential properties or significant public spaces. The proposed height increases could be considered minor, and based on the location of those increases and their design no shadowing impacts would be expected.

3. The scale and character of surrounding uses.

The scale and character of the buildings in this area are varied although the school is located within a fully developed residential neighborhood. The architectural style of the surrounding properties also vary. The residential property to the south (Becketwood facility) appears to have portions of the building, primarily adjacent to West River Parkway that are 5 to 6 stories tall. Staff has analyzed the proposed application and has determined that application is compatible with the scale and character of other buildings in the area. The school is existing, and the majority of the improvements to the building could be considered functional, yet cosmetic. The design and allocation or distribution of height on site would be compatible with the surrounding uses.

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

The proposed height increases should not impact or block views of the Mississippi River.

ADDITIONAL FINDINGS FOR CONDITIONAL USES (551.490) –

A. Evaluation Criteria

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

The applicant would be required to prevent soil erosion and possible pollution of public waters, both during and after construction. The applicant would be required to install a silt fence during construction and would be required to follow all applicable City requirements to prevent any type of pollution.

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

Based on the proposal, Staff would expect that that the view of the structure and the proposed additions would be limited.

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

Not applicable for the proposed development.

VARIANCE – (1) Variance of the required front yard along the east property line adjacent to West River Parkway South for the existing school, hockey rink and surface parking located within the bus drop-off area, adjacent to the main entry; (2) Variance to allow parking in the required corner side yard along the north property line adjacent to 42nd Street East; (3) Variance of the interior side yard setback along the south property line for an addition to the existing hockey rink to approximately 7 feet; (4) Variance to allow an increase in the maximum allowable fence height to 6.5 feet and to allow a fence greater than 8 feet in height on the property

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

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Variance of the required front yard: The property could not be put to a reasonable use under the conditions allowed, and strict adherence to the regulations of the zoning code would cause undue hardship. Nearly the entire building as it currently exists as well as nearly half of the existing hockey rink encroaches into the required setback along West River Parkway. Typically, a 25 foot front yard setback would be required for the proposal, however, the property is subject to a front yard increase as the property to the

south is a residential use. Extending the setback line parallel with the front lot line would result in an established varying front yard setback requirement of no less than 300 feet. Further, allowing 5 parking spaces including 2 handicapped spaces adjacent to the main entry of the school within the required front yard is reasonable and not permitting those spaces would create an undue hardship.

Variance to allow parking in the required corner side yard: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning code would likely cause undue hardship. The existing parking lot currently encroaches into the required yard as the parking is located adjacent to the public sidewalk. Based on the new proposal, the corner side yard requirement actually increases due to the proposed additions to the existing school. The required corner side yard is 18 feet. The applicant proposes to modify the required yard to provide approximately a five foot landscape buffer. The parking lot would be moved farther west on the site adjacent to 42nd Street East, and the existing parking lot would be altered to provide a bus drop-off and pick-up area. Staff believes that while granting a setback is reasonable, due to the excess number of parking stalls on site and the odd parallel configuration of those spaces closest to the north property line, that more of a buffer should be provided. Elimination of those 11 spaces, while providing an adequate 22 foot minimum drive aisle would result in a recommended setback of 15 feet. Based on the configuration of the site, the existing ball fields and the ability to provide parking for the school, Staff believes that requiring the applicant to comply with the 18 foot setback requirement would cause undue hardship. Granting a setback variance to 15 feet which would improve the circulation and functionality within the parking lot while providing a larger landscape buffer between parking and the public sidewalk and street would be reasonable.

Variance of the interior side yard setback along the south property line: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning code would likely cause undue hardship. The required interior yard is based on the overall height of the existing hockey rink. The required interior yard is 8 feet, and the applicant proposes to construct small additions to the east and west sides of the structure to match into the existing building at a setback of 7.2 feet. Constructing the additions to match into the existing building wall would be a reasonable use of the property. Requiring the structure to jog less than a foot to comply with the required yard would be an undue hardship.

Variance to allow a 6.5 foot tall fence and to allow a fence greater than 8 feet in height on the property: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence would likely cause undue hardship. The applicant proposes to replace an existing 6.5 foot high perimeter fence with vinyl coated black chain link fencing located along the north and west property lines. Any fence height over 4 feet requires a variance. Additionally, the applicant proposes to locate a 16 foot tall fence between the baseball field and the parking lot at the interior of the site. It would seem an undue hardship to require that the applicant comply with the 4 foot height,

as the height of the fence is necessary to protect the condition and security of the athletic fields as well as maintain a separation between the fields and the public sidewalk and street. The 16 foot tall outfield fence is necessary to protect the safety of pedestrians and vehicles in the adjacent parking lot.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Variance of the required front yard: The circumstances are unique to the parcel of land for which the variance is being sought and have not been created by any persons presently having an interest in the property. Nearly the entire existing school and half of the existing hockey rink is located with the required front yard. The main entry to the school is on the north side of the property adjacent to the bus drop-off and pick-up area. Five parking spaces, including 2 handicapped spaces are proposed at the main entry. Due to the constraints on the developed site relative to the configuration of the existing school and its limitations in regard to interior space, practice fields, hockey rink and proposed improvements the school and hockey rink are limited in where additional construction and modification of an existing structure can occur. Staff believes that for these reasons the circumstances are unique to this specific parcel of land.

Variance to allow parking in the required corner side yard: The circumstance are unique to the parcel of land for which the variance is being sought and haven't been created by any persons having an interest in the property. As previously mentioned, there is existing parking located within the required yard. Based on the proposal, the corner side yard requirement actually increases based on the overall height of the proposed addition to the existing school. In order to improve site circulation and traffic issues, the proposal creates a separate bus drop-off and pick-up location as well as a parking lot that provides additional parking for the school and the activities associated with the school, as well as a separate parent drop-off and pick-up location. Allowing the new parking lot to encroach into the required yard, improves the existing conditions on site. Staff recommends that the Planning Commission recommend a larger buffer or approximately a 15 foot wide landscape buffer adjacent to the public sidewalk with the elimination of those 11 parallel spaces currently located within the required yard. Staff believes that eliminating those spaces while providing a larger buffer and a minimum drive aisle requirement of 22 feet will further eliminate conflicts with maneuvering vehicles within the lot as well as with parents dropping off or picking up kids in the designated area within the lot.

Variance of the interior side yard setback along the south property line: The circumstances are unique to the parcel of land for which the variance is being sought and haven't been created by any persons having an interest in the property. The hockey rink is existing and the current exterior wall along the south property line is located 7.2 feet

from the property line. The proposed additions on the east and west side of the hockey rink are designed to match into the existing structure.

Variance to allow a 6.5 foot tall fence and to allow a fence greater than 8 feet in height on the property: The circumstances are unique to the parcel of land for which the variance is being sought and haven't been created by any persons having an interest in the property as the configuration of the playing fields adjacent to the public sidewalk are an existing condition on a fully developed site. The replacement of an existing perimeter fence of the same height to provide security as well as a separation between the playing fields and the public sidewalk is unique to the parcel of land. Further, allowing a 16 foot fence around the outfield of the baseball field is unique, as the outfield is centrally located within the site adjacent to the proposed parking lot and the proposed fence height would provide safety and preclude baseballs from striking pedestrians and vehicles.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Variance of the required front yard: The granting of the variance to allow building additions to the existing school and existing hockey rink as well as allow 5 parking spaces adjacent to the main entry would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Both structures and the existing parking lot are currently in the required yard as the property is subject to a front yard increase. As previously mentioned, the property is subject to an established varying front yard setback requirement of no less than 300 feet.

Variance to allow parking in the required corner side yard: The granting of a variance to allow parking in the required corner side yard would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity should the proposal be modified to include the removal of the 11 parallel spaces located adjacent to the north property line. Removal of said spaces would result in a greater landscape buffer at approximately 15 feet, while maintaining a minimum 22 foot drive-aisle, as well as improved circulation with the potential for less conflict within the parking lot.

Variance of the interior side yard setback along the south property line: The granting of a variance to allow building additions to the hockey rink to match into the existing building would likely be in keeping with the spirit and intent of the ordinance and would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The structure is existing and the proposed additions to the structure would be on the east and west sides of the building, not further encroaching onto the south property line.

Variance to allow a 6.5 foot tall fence and to allow a fence greater than 8 feet in height on the property: The granting of a variance to allow the replacement of an existing 6.5 foot tall perimeter fence with a new vinyl coated black chain link fence in the same location and at the same height as well as allow a 16 foot fence around the outfield of a centrally located ball field would likely be in keeping with the spirit and the intent of the ordinance and would not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. Both of the requests for allowing height increases are intended to provide safety and security for individuals, vehicles and the school's private property.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance of the required front yard: The proposed front yard variance for the existing school, existing hockey rink, and 5 surface parking spaces adjacent to the main entry would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance to allow parking in the required corner side yard: The proposed variance to allow parking in the required corner side yard would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance of the interior side yard setback along the south property line: The proposed variance of the interior side yard to allow building additions on the east and west side of an existing structure to match into the existing setback would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Variance to allow a 6.5 foot tall fence and to allow a fence greater than 8 feet in height on the property: The proposed variance to allow replacement of a perimeter 6.5 foot fence and to allow a 16 foot outfield fence for the baseball field would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

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 FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
- 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.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The existing structures and proposed additions are not located within 8 feet of the property line as the property is subject to required yards; nor are proposed additions within 8 feet of the required yard. Alternative compliance is not required as the buildings are existing. The school campus consists of a principal school building, a hockey arena and tennis courts on the south side of the site, a football field and track on the west side of the site and a baseball practice field located at the interior of the site. The principal school building is oriented towards 42nd Street East as the main entry, proposed parking lot and bus-drop off and pick-up areas are located along that frontage. There is an existing principal entry facing West River Parkway which would need to be maintained as part of the proposal. The use of progressive design and street-oriented building alignments is more reinforced with the proposed additions than the existing buildings.

There is a principal entrance to the school building that faces 42nd Street East. The existing school building doesn't necessarily reinforce the street wall, maximizes natural surveillance, however it does facilitate pedestrian access. The proposed improvements to the school building help to improve the existing conditions on the site. The area between the existing building and West River Parkway has substantial existing tree plantings, however not along the 42nd Street frontage. Based on the proposed site improvements and Staff recommendation, the 42nd Street frontage shall have additional plantings and a landscape buffer adjacent to the public sidewalk. The existing smaller trees located directly adjacent to the school, will be moved and replanted to accommodate the proposed additions on the east side of the school. All

mature trees located along West River Road and on the Park Board property would not be affected by the proposed site improvements.

The proposed school additions on the north and east elevation would incorporate windows that meet the 30% window requirement for a non-residential use. The windows proposed between 2 and 10 feet provide natural surveillance and visibility by having active uses located along the public streets. The existing building with the proposed additions further meets the 10% window requirement on each floor above the first floor that faces the public street and public sidewalk. The west elevation facing a portion of the existing on-site parking lot is not proposed to be modified and likely would not meet the window requirements, however, the building is existing.

The exterior materials and appearance of the rear and side walls of the existing building with the proposed additions are proposed to be similar to and compatible with the front of the buildings within the development. The proposed materials would be similar to those on the North Campus and would include brick, precast stone and aluminum windows and doors. The proposed building appears to incorporate architectural elements including recesses and projections, windows and entries. A portion of the proposed addition on the north elevation appears to have a blank uninterrupted wall that exceeds 25 feet in width. Alternative compliance is necessary. Staff would recommend that the Commission require that the elevation be modified to meet the provision.

There is no parking ramp associated with the proposed development. All proposed parking for the school would be located in a new surface parking lot accessed off of 42nd Street East.

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 are walkways that connect the principal entrance of the principal school building and the hockey arena with the public sidewalks and to the on site parking lot.

There are no transit shelters within the development. There is an existing transit stop adjacent to the property at the corner of 46th Avenue and 42nd Street.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There is no public alley adjacent to the site. The site is accessed off of 42nd Street East.

The site has been designed to minimize the use of impervious surfaces through extensive landscaping.

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 525,200 square feet and the proposed building footprints on the site including the proposed additions would be 102,523 square feet. The athletic fields total 243,040 square feet. A total of 35,927 square feet of landscaping would be necessary to meet the 20% requirement. The zoning code requires that there be at least 72 trees and 360 shrubs planted on the site. The applicant is proposing to have 75 trees and 360 shrubs or approximately 43,768 square feet or approximately 24% of the site would be landscaped.

Screening is required by Section 530.170 of the Zoning Code and is being provided between the parking areas and 42nd Street East. Additionally, one tree is required for every 25 linear feet of parking frontage. The proposal would meet this requirement.

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. With the suggested modification to the layout eliminating the parallel row of parking adjacent to 42nd Street East a portion of the on site spaces will meet this requirement, however, the majority of the parking spaces will not. Further, the islands being provided within the parking lot are not being shown as landscaped and none are meeting the minimum width of seven (7) feet in any direction. Essentially, the proposed parking lot would be completely impervious as the parking surface would be bituminous and the proposed parking islands would be concrete. Alternative compliance is required for both of these provisions. Staff would recommend that the Planning Commission require that the proposed layout of the new parking lot be modified to meet all applicable requirements, especially considering that the proposal is providing significant excess parking spaces on site.

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.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **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.**

All parking is being provided in a surface parking lot adjacent to 42nd Street East. The water drainage on site would need to be designed so as not to drain onto any adjacent lots. As part of the proposed development, the applicant is working with the Public

Works Department on a stormwater retention plan. Planning Staff strongly encourages that the proposal drain to the green space on the site.

A photometric plan was not submitted as part of the application. Staff is recommending that a photometric plan showing footcandles be submitted as part of the final review of the plans. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541. The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site, Planning Staff would concur with that recommendation and would further recommend that adequate site lighting be provided within the parking lot, entrances and at the interior of the site where applicable.

The parking areas have been designed to avoid headlights from shining on adjacent properties as the screening required by 530.170 is being provided.

Staff would not expect the proposal to result in the blocking of views, shadowing of public space or adjacent properties. The proposed building additions would also not be expected to have significant impacts on light, wind and air in relation to the surrounding area.

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

ZONING CODE - The proposed use is conditional in the R1 District

With the approval of the conditional use permits, variances, site plan review, this development would meet the requirements of the R1 zoning district.

Specific Development Standards for a school

- (1) The use shall include a regular course of study accredited by the State of Minnesota
- (2) To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
- (3) An appropriate transition area between the facility and adjacent property shall be provided by landscaping, screening and other site improvements consistent with the character of the neighborhood.

The proposed development is in compliance with the specific development standards for a school.

Parking and Loading: The Zoning Administrator has historically made the determination that on school campuses, the most intensive parking calculation considering both the principal and accessory uses shall be the required amount of off-street parking. No compilation of all the accessory uses and their parking requirements as well as the principal use and those parking requirements is required to determine the off-street parking requirement. Based on this interpretation per Chapter 541 of the Zoning Code, the hockey rink requires the most parking; therefore 62 spaces are required for the school and no variance is needed as 110 parking spaces are proposed on site (there are 79 existing).

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. A 20 foot by 20 foot dumpster enclosure is being shown on the plans adjacent to the west elevation of the existing school.

Signs: No new signs are proposed at this time. All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: The maximum F.A.R. for schools in the R1 District is the gross floor area of the building which is 156,288 square feet divided by the area of the lot which is 525,200 square feet. The outcome is .30 which is less than the maximum of .5 that is permitted in the R1 District.

Minimum Lot Area: The project would meet the minimum lot area and lot width requirement of the R1 District. The lot has 525,200 square feet of lot area, and is situated on a lot greater than 100 feet in width.

Height: Maximum building height for principal structures located in the R1 District and in the Shoreland Overlay District is 2.5 stories or 35 feet, whichever is less. The proposal would not conform with this requirement as a conditional use permit is being requested to increase the allowable height on site to 5 stories or 61 feet for the proposed cupola/clock tower and to 3 stories or 40 feet for a portion of the building on the east elevation.

Yard Requirements: The required yards are as follows:

Front: Typically the required setback would be 25 feet. However, the development is subject to a front yard increase per 546.160. Therefore, the required setback varies +/- 300 feet due to a required front yard increase established by the property to the south.

Corner side: 18 feet (10+2x)

Interior side yard: 8 feet (5+2x) – for the hockey rink

The proposal requires variances for required yards.

Building coverage: The maximum building coverage in the R1 District is 60 percent. Buildings would cover approximately 20 percent of the lot.

Impervious surface area: The maximum impervious surface coverage in the R1 District is 75 percent. Impervious surfaces would cover approximately 45 percent of the site.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

No small area plans for this area of Minneapolis have been adopted by the City Council.

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 necessary as a portion of the proposed addition on the north elevation appears to have a blank uninterrupted wall that exceeds 25 feet in width. Alternative compliance is necessary. Staff would recommend that the Planning Commission require that the elevation be modified to include windows, entries, recesses, projections or other architectural elements. It is a prominent portion of the

north elevation located near the corner of 42nd Street East and West River Parkway and Staff believes it is practical to require a modification to meet the requirement.

Alternative compliance is necessary as 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. With the suggested modification to the layout eliminating the parallel row of parking adjacent to 42nd Street East a portion of the on site spaces will meet this requirement, however, the majority of the parking spaces will not. Further, alternative compliance is required as the islands being provided within the parking lot are not being shown as landscaped and none are meeting the minimum width of seven (7) feet in any direction. Essentially, the proposed parking lot would be completely impervious as the parking surface would be bituminous and the proposed parking islands would be concrete. Staff would recommend that the Planning Commission require that the proposed layout of the new parking lot be modified to meet all applicable requirements, especially considering that the proposal provides significant excess parking spaces on site.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to amend a conditional use permit for a school in the R1 district for property located at 4200 West River Parkway.

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 application for a conditional use permit to increase the maximum permitted height to 40 feet for a portion of the school building along the east elevation and to 61 feet for a cupola/clock tower addition to the school located on the property at 4200 West River Parkway.

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 application for a variance of the required front yard along the east property line for additions to the existing school building, hockey rink and surface parking spaces

adjacent to the main entry to the school on the property located at 4200 West River Parkway.

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 application for a variance to allow parking in the required corner side yard along the north property line for property located at 4200 West River Parkway subject to the following condition:

1. Modification of the landscape buffer to 15 feet resulting in the removal of 11 parallel spaces adjacent to 42nd Street East and a 22 foot drive aisle.

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 application to allow a variance of the interior side yard setback along the south property line to 7.2 feet for an addition to the existing hockey rink for property located at 4200 West River Parkway.

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 **returned** the application for a variance to reduce the required amount of on-site parking for the school to 110 parking spaces for property located at 4200 West River Parkway.

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 application for a variance to allow an increase in the maximum allowable fence height to 6.5 feet and to allow a fence greater than 8 feet in height for property located at 4200 West River Parkway subject to the following conditions:

1. The applicant shall attain an encroachment permit as required from Public Works for the perimeter 6.5 foot fencing located in the public right of way.
2. The height of the outfield fence for the baseball field shall not exceed 16 feet.
3. All fencing shall be black coated chain link.

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 property located at 4200 West River Parkway subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by June 12, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The applicant shall submit a lighting plan showing foot candle measurements before final plans are approved.
4. Approval of the amended conditional use permit for a school.
5. A principal entry facing West River Parkway shall be maintained along the east elevation.
6. Incorporation of windows, entries, recesses, projections or other architectural elements along the north elevation to break up the blank uninterrupted walls that exceed 25 feet in width per Section 530.120.
7. Modification of the site plan to indicate a landscape buffer of 15 feet adjacent to the north lot line resulting in the removal of 11 parallel spaces adjacent to 42nd Street East and a 22 foot drive aisle.
8. Screening shall be required between the parking lots on site and 42nd Street East as required by Section 530.170 of the Zoning Code.
9. Final plans shall be modified so that no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree and that the interior parking lot islands are landscaped and meet the minimum width of seven (7) feet in any direction as required by section 530.170 of the zoning code.

Attachments:

1. Description of project and findings for all applications
2. Correspondence
3. Zoning map
4. Plans – site survey, site plan, floor plans, elevations, landscape plans
5. Photos
6. PDR notes