

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit and Site Plan Review  
BZZ – 3116

**Date:** July 31, 2006

**Applicant:** Powderhorn Residents Group

**Address of Property:** 2412 16<sup>th</sup> Avenue South

**Project Name:** City Drainage Facility

**Contact Person and Phone:** Doug Wise, (612) 721-7556 x13

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** July 7, 2006

**End of 60-Day Decision Period:** September 5, 2006

**Ward:** 9      **Neighborhood Organization:** East Phillips Improvement Coalition

**Existing Zoning:** R2B Two-Family Residence District

**Proposed Zoning:** Not applicable

**Zoning Plate Number:** 21

**Legal Description:** Not applicable

**Proposed Use:** Stormwater retention pond

**Concurrent Review:**

**Conditional use permit** to allow a stormwater retention pond.

**Site plan review.**

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

**Background:** The applicant proposes to construct a stormwater retention pond at 2412 16<sup>th</sup> Avenue South. The retention pond would serve properties located on the block, including the 24-unit multifamily dwelling to be located at 2401-2419 Bloomington Avenue that was recently approved by the Planning Commission. The pond would occupy the north half of the site. An alley allowing access to and from 16<sup>th</sup> Avenue would also be constructed on the site south of the retention pond to replace the alley that accesses Bloomington Avenue. This section of alley was recently approved to be vacated. The new alley would prevent a dead-end alley from being created. The new alley includes a 10 foot by

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10 foot corner cut to accommodate city vehicles, snow plows and trash collection. As a result, a 10 foot wide landscaped yard would remain between the alley and the adjacent residential property to the south. Where the alley has been vacated at the west side of the site, a driveway would provide access to the townhouses located to the north of the site. An access easement would exist over the driveway.

The site is zoned R2B. In the R2B district, a stormwater retention pond is a conditional use. A stormwater retention pond is classified as a public services and utilities use. All public services and utilities uses require a site plan review.

As of writing this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:**

**Findings as required by the Minneapolis Zoning Code:**

The Community Planning and Economic 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.**

The pond should reduce the amount of stormwater entering the City's storm sewer. The applicant has indicated that the pond would reduce the chance of flooding. The construction of a stormwater retention pond should not be detrimental to public health, safety, comfort or general welfare.

- 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.**

The pond should reduce the amount of stormwater entering the City's storm sewer. It would likely have little effect on development or property values.

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

The pond would accommodate drainage from surrounding properties. It should have no effect on utilities or public access.

- 4. Adequate measures have not been or will not be provided to minimize traffic congestion in the public streets.**

The pond is not expected to affect traffic.

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

*The Minneapolis Plan* states that “Minneapolis has a tradition of valuing its lakes, rivers, streams and wetlands. The city’s water features are cherished places and the quality of water is affected by everything left in or near the street. Stormwater carries these materials, from oil, pesticides, coolants, fertilizers and detergents into lakes, creeks, wetlands and eventually the Mississippi River. The plant and animal life sustained by these bodies of water are endangered when pollutants and excess organic matter upset the delicate balance of the ecosystem. The quality of drinking water is threatened and recreational water quality is also significantly impacted.” The following polices apply to this proposal:

**7.5 Minneapolis will protect and sustain its water resources.**

**Applicable Implementation Step**

Encourage practices that result in either reduced overall amounts of impervious surfaces, or disconnect impervious surfaces and allow water to be slowed or detained in vegetated areas where it will do no harm to homes or property.

*Staff comment:* The pond would accommodate drainage from surrounding properties and should reduce the amount of stormwater entering the City’s storm sewer.

**5. 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 pond will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and site plan review.

**SITE PLAN REVIEW**

**Findings as required by the Minneapolis Zoning Code for the 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 the 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.**

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- **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 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**

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- **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.

*Conformance with above requirements:* A building is not existing or proposed for the subject site.

**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.

*Conformance with above requirements:*

A building is not existing or proposed for the subject site.

The site is not adjacent to a transit stop.

The pond does not have a parking requirement.

The new alley would be constructed in compliance with Public Works requirements. It should have minimal impacts on pedestrian traffic and surrounding residential properties.

The new alley and the driveway access for the adjacent residential access would be the only impervious surface on the site.

**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.

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- **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.**

*Conformance with above requirements:*

The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 6,491 square feet. Because a building does not exist and is not proposed, 20 percent of the entire lot is required to be landscaped. Twenty percent of this area is 1,298 square feet. Approximately 4,231 square feet of the site would be landscaped. That is equal to 65 percent of the net lot area.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 13 respectfully. The applicant would provide 8 trees and no shrubs. The trees are existing and located along the fence line adjacent to the residential property to the south. Although trees in excess of the requirement exist, there is sufficient room to also provide the shrubs. Staff does not believe alternative compliance is warranted and is recommending compliance with the requirement.

The remainder of the landscaped area would be covered with turf grass. The applicant is encouraged to incorporate native grasses and perennial flowering plants as part of the landscaping plan.

There are no on-site parking facilities that trigger the landscaped yard and screening requirements.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

**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.**

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- 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.

*Conformance with above requirements:*

The applicant has not identified any proposed lighting. Any lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

**535.590. Lighting.** (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

Adjacent residential properties would not be affected by headlight glare.

Views of important elements of the city would not be impeded.

Adjacent streets or properties would not be shadowed.

Wind currents should not be major concern.

Staff has not identified any significant issues with the development from crime prevention standpoint.

**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 site is zoned R2B. In the R2B district, a stormwater retention pond is a conditional use. A stormwater retention pond is classified as a public services and utilities use. All public services and utilities uses require a site plan review.

**MINNEAPOLIS PLAN:** See the conditional use permit section of this staff report.

**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.

Alternative compliance is requested by the applicant to meet the minimum shrub requirement. The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 and 13 respectfully. The applicant would provide 8 trees and no shrubs. The trees are existing and located along the fence line adjacent to the residential property to the south. Although trees in excess of the requirement exist, there is sufficient room to also provide the shrubs. Staff does not believe alternative compliance is warranted and is recommending compliance with the shrub requirement.

**RECOMMENDATIONS**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a stormwater retention pond for the property located at 2412 16<sup>th</sup> Ave S.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a stormwater retention pond for the property located at 2412 16<sup>th</sup> Ave S, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by July 31, 2007, or the permit may be revoked for non-compliance.
3. At least 13 shrubs shall be provided on-site.
4. The applicant is encouraged to incorporate native grasses and perennial flowering plants as part of the landscaping plan.

**Attachments:**

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos