

## **Community Planning and Economic Development Planning Division Report**

Conditional Use Permits, Variance, and Site Plan Review  
BZZ-4475 & MS-197

**Date:** August 10, 2009

**Applicant:** Brighton Development Corporation

**Address Of Property:** 610 28<sup>th</sup> Street West

**Project Name:** Salem English Lutheran church

**Contact Person And Phone:** Jesse Osendorf – Brighton Development Corporation 612-332-5664

**Planning Staff And Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** July 15, 2009

**End of 60 Day Decision Period:** September 13, 2009

**Date Extension Letter Sent:** August 3, 2009

**End of 120 Day Decision Period:** November 12, 2009

**Ward:** 6      **Neighborhood Organization:** Whittier

**Existing Zoning:** R2B Two-family District

**Proposed Zoning:** Not applicable.

**Plate Number:** 24

**Legal Description:** Not applicable.

**Proposed Use:** Place of assembly (church).

### **Concurrent Review:**

**Variance:** To increase the maximum allowable floor area ratio from 0.5 to 1.3

**Variance:** To reduce the minimum required parking from 30 to 8 spaces.

**Variance:** To increase the maximum lot coverage from 50 to 61 percent.

**Variance:** To increase the maximum allowable impervious surface from 65 to 79 percent.

**Site Plan Review.** For an addition to the church building.

**Minor Subdivision:** To create two parcels; one for the church and one for a future residential development.

**Appropriate Section(s) of the Zoning Code:** Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520(3) “To vary the gross floor area”; Section 525.520(6) “To vary the applicable maximum parking requirement...”; Section 525.520(15) “To vary the maximum lot coverage and impervious surface requirements”; Chapter 530 Site Plan Review; and Chapter 598 Subdivisions.

**Background:** The applicant proposes to renovate the existing Salem Luther Church building, built in 1904, for the Lyndale United church of Christ and Salem English Lutheran Church congregations, which will share the building. The additions to the church building will be removed and a new entrance to the building will be constructed on the west side. The remainder of the lot will be developed for a four-story, 61-unit mixed used building with ground floor retail. The church was constructed in 1904 and there were additions in 1938, 1953, and 1963; (please see attached drawing). The proposal will remove the 1938 and 1963 additions. The church is not a designated landmark, but the demolition of the 1938 addition required Heritage Preservation Commission approval and this was granted at their meeting of July 21, 2009.

A minor subdivision is required to split the parcel into two parcels; one for the church and one for the new residential development. The parcel that will be created for the church will be smaller than the current parcel and this creates the need for variances of maximum gross floor area, parking, maximum lot coverage, and maximum impervious surface. The new entryway addition is over 1,000 square feet and this requires site plan review.

As of the writing of this report, staff has not received any correspondence from the neighborhood group on this revised proposal, but will forward comments, if any, at the Planning Commission meeting.

### **VARIANCE (of maximum floor area ratio)**

#### **Findings Required by the Minneapolis Zoning Code:**

- 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.**

The floor area ratio (FAR) is the gross floor area of the building divided by the area of the zoning lot. The total square footage of the church after the renovations is 20,271 square feet, of which 2,370 square feet. The size of the proposed zoning lot is 15,636 square feet. Therefore, the FAR is approximately 1.3. The R2B District allows a base FAR of 0.5 for a place of assembly. If the variance were denied the building would have to be reduced in size by 12,453 square feet to meet 0.5 FAR, which would be smaller than the church structure that contains the sanctuary. The other option would be to increase the lot size to 40,542 square feet to meet the 0.5 FAR, which would leave only 13,629 square feet for any future development. The creation of a larger parcel for future development allows for the church to raise the money needed to save the building. The parcel proposed for the church is similar to, but smaller than, the original 1904 lot for the church and a parsonage, which extended from Garfield to the centerline of the north-south alley extended to 28<sup>th</sup> Street (see attached Sanborn Map). This is a reasonable use of the property.

- 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.**

This proposed lot will be square, so in this sense it is not unique, but the lot sizes are necessary to allow future development that will support the costs of renovating a significant building. While economic considerations alone shall not be considered they can be a factor to consider. The applicant could have proposed to rezone the entire site to a commercial district, which would allow for a greater floor area ratio of 1.7, which as an entire development the residential and church buildings would meet. The church will share the adjacent parking on the mixed-use parcel, which makes the need for a larger lot less necessary. These are conditions that are not generally applicable to other properties in the area.

- 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.**

The intent of the ordinance is to set the parameters for the size of buildings, while allowing the developer some flexibility in the design of the building, and to ensure that the new structure is compatible with surrounding structures. While staff would not necessarily support a variance of this type for a new structure, in this case it will allow the preservation of an important building and it will not create a church structure that is larger than that has historically been at the site. This should not circumvent the intent of the ordinance.

- 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.**

The proposed variance should have no effect on congestion in the public streets. Adequate parking is provided. The variance should not endanger public health or safety or increase the danger of fire.

**VARIANCE (to reduce the minimum required parking)**

**Findings Required by the Minneapolis Zoning Code:**

- 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.**

The zoning code requires parking equal to ten percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium to create audio or visual unity for a place of assembly. The sanctuaries and adjoining spaces are 4,554 square feet and at 10 percent of capacity of persons this requires 30 parking spaces. The church will have eight spaces dedicated at all times and will have access to the parking lot during Sunday mornings for services. The remainder of the time the lot will be utilized for the retail uses in the new mixed use building. This roughly matches the shared parking table in the zoning code, except that it would require access to the 30 spaces during until 6:00

p.m. on Saturday and Sunday. It can be a hardship to strictly apply zoning regulations to unique circumstance or developments that would favor reducing dependence on automobiles where there are adequate alternatives or less need. This is a reasonable use of the property.

- 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.**

The full lot will be available during Sunday services and eight spaces will be available at all time in the adjacent parking lot. This is a circumstance that is not generally applicable everywhere in the City. There is also access to transit and bike parking.

- 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.**

The intent of the ordinance is to provide reasonable parking requirements for specific uses. There will be parking available in the adjacent lot during services and a smaller amount throughout the week for the day-to-day operations. This variance will not circumvent the intent of the ordinance.

- 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.**

It is not anticipated the variance will add congestion to the streets as the larger lot will be available during services. Granting the variance should not be detrimental to the public welfare or safety.

#### **VARIANCE (of maximum building coverage and impervious surfaces)**

##### **Findings Required by the Minneapolis Zoning Code:**

- 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.**

In the R2B Two-family District maximum building coverage is limited to 50 percent of the lot area and impervious surface is limited to 65 percent of the lot area. The proposed church development lot will have 61 percent lot coverage and 79 percent impervious surface. If the variance were denied the building footprint by 1,715 square feet to meet 50 percent building coverage, which would be smaller than the church structure that contains the sanctuary. The other option would be to increase the lot size to 18,710 square feet to meet the 65 percent limit on impervious surface. The creation of a larger parcel for future development allows for the church to raise the money needed to save the building. The parcel proposed for the church is similar to, but smaller than, the original 1904 lot for the church and a parsonage, which extended from Garfield to the centerline of the north-south alley extended to 28<sup>th</sup> Street (see attached Sanborn Map). This is a reasonable use of the property.

- 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.**

This proposed lot will be square, so in this sense it is not unique, but the lot sizes are necessary to allow future development that will support the costs of renovating a significant building. While economic considerations alone shall not be considered they can be a factor to consider. The church will share the adjacent parking on the mixed-use parcel, which makes the need for a larger lot less necessary. In addition, the shared parking lot will utilize pervious pavers to mitigate for the impervious surfaces on the site. These are conditions that are not generally applicable to other properties in the area.

- 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.**

The intent of the ordinance is to set the parameters for the size of buildings to ensure that the new structure is compatible with surrounding structures, that a lot is not overbuilt, and to provide greenspace as well as stormwater retention. While staff would not necessarily support a variance of this type for a new structure, in this case it will allow the preservation of an important building and it will not create a church structure that is larger than that has historically been at the site. This should not circumvent the intent of the ordinance.

- 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.**

The proposed variance should have no effect on congestion in the public streets. Adequate parking is provided. The variance should not endanger public health or safety or increase the danger of fire.

## **SITE PLAN REVIEW**

### **Required Findings for Site Plan Review**

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

**Section A: Conformance with Chapter 530 of Zoning Code**

**BUILDING PLACEMENT AND DESIGN:**

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

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**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 530.20 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 main church building is existing and reinforces the street wall at or beyond the 20 setback line. The proposed west entry addition will not be up to the front setback line, but will be located 68 feet back from West 28<sup>th</sup> Street. Staff recommends alternative compliance as the main building is up toward the setback line and the new entry is proposed in the middle of the structure on the west side to provide an entry way for the two separate sanctuaries for the two separate congregations. Locating this main entrance at the setback line would not be practical for the proposed shared building concept.

There is landscaping between the building and the public sidewalk.

The principal entrance to the original structure opens onto the public sidewalk on West 28<sup>th</sup> Street, but with the construction of the new west entryway this will not longer be used for access. The principal entrance will be on the west side of the building. Staff recommends alternative compliance as the main entrance will remain as an architectural feature and the new west entrance will provide an entry way for the two separate sanctuaries for the two separate congregations. Locating this main entrance at the front of the church would not be practical for the proposed shared building concept.

The new entrance is clearly defined and emphasized with architectural features. It is a new addition that is largely windows and of a different architectural style than the original church building and additions.

The parking is located on an adjacent lot behind a proposed mixed-use building.

The exterior materials of the addition are durable and are made of cement stone, brick, metal, and glass. Future changes in material may require review before the City Planning Commission. The new addition walls have architectural detail including large windows and an varied materials. There are no blank walls without a change in material for lengths of more than 25 feet.

Non-residential uses are required to provide 30 percent windows on the first floor and 10 percent windows on the upper floors of elevations facing a public street, sidewalk, pathway, or on-site parking. The south elevation facing West 28<sup>th</sup> Street SE contains 41 percent windows on the first floor and 86 on the floors above.

## **ACCESS AND CIRCULATION:**

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- 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.

The entrance to the building opens onto the public sidewalk on West 28<sup>th</sup> Street.

There are no integrated transit shelters on site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable. Vehicular access and circulation has been designed to minimize conflict with residential properties. There is an alley to the north of the church, but the access from the church site will be eliminated.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and drives are pervious surfaces used for landscaping and stormwater management. However, the site still exceeds the maximum allowable impervious surface and requires a variance. Staff is recommending approval of the variance (please see the variance section of this staff report).

#### **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

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**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 site plan has 60 percent landscaping (of the area minus the building foot print). The lot area is 15,636 square feet and the footprint of the building is 9,533 square feet. This leaves 6,103 square feet, of which 20 percent (1,220 square feet) is required to be landscaped. The applicant is providing approximately 3,474 square feet of landscaped area on site.

The development is required to provide two trees and 12 shrubs. The landscaping plan shows eight new on-site trees and approximately 91 shrubs. In addition, the plan shows perennial plantings.

There is no on-site parking area.

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped.

**ADDITIONAL STANDARDS:**

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
  - **Natural surveillance and visibility**
  - **Lighting levels**
  - **Territorial reinforcement and space delineation**
  - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

There are no surface parking areas on-site.

The building addition will not block views of the city or generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site; however, the building is a potential historic resource that will be rehabilitated as a part of this project.

**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:** A place of assembly (church) is a permitted use in the R2B Two-family District.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* The zoning code requires parking equal to ten percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium to create audio or visual unity for a place of assembly. The sanctuaries and adjoining spaces are 4,554 square feet and at 10 percent of capacity of persons this requires 30 parking spaces. The applicant is requesting a variance down to eight spaces and staff is recommending approval of this variance (please see the variance section of this staff report).

*Maximum automobile parking requirement:* The zoning code requires parking equal to 40 percent of the capacity of persons in the main auditorium and any rooms which can be added to the main auditorium to create audio or visual unity for a place of assembly. The sanctuaries and adjoining spaces are 4,554 square feet and at 10 percent of capacity of persons this allows a maximum of 121 parking spaces.

*Bicycle parking requirement:* There is no bicycle parking requirement for a place of assembly (church).

*Loading:* No loading space is required.

**Maximum Floor Area:** The maximum FAR in the R2B Two-family District for a place of assembly is 0.5. The lot in question is 15,636 square feet in area. The church will have 20,271 square feet of gross floor area, an FAR of 1.3. The applicant is requesting a variance of the maximum allowable FAR and staff is recommending approval of this variance (please see the variance section of this staff report).

**Building Height:** Building height in the R2B Two-family District is limited to 2.5 stories, or 35 feet, whichever is less. The main church building is existing and the new addition is two stories, or 25 feet.

**Minimum Lot Area:** The R2B Two-family District requires 10,000 square feet of lot area for a place of assembly (church). The proposed lot for the church is 15,636 square feet.

**Dwelling Units Per Acre:** No dwelling units are proposed.

**Yard Requirements:** The R2B Two-family District requires 20 feet for a front yard, 8 feet plus 2 feet for every floor above the first for a corner yard, and 5 feet plus 2 feet for every floor above the first for rear and interior yards. The only new construction is on the west side of the building, which is an interior yard with a setback of 9 feet. The closest the new or existing wall of the church building is to the west property line is 12 feet.

**Specific Development Standards:** No specific development standards are applicable for this project.

**Hours of Operation:** Not applicable for a church building.

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**Signs:** Signs are subject to Chapters 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No sign plan has been submitted at this time, but the applicant is aware that signs require zoning office approval and permits.

**Refuse storage:** 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. Trash containers will be screened to the standards of the zoning code.

**Lighting:** The lighting will comply with Chapters 535 and 541 including the following standards:

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 arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**MINNEAPOLIS PLAN:** *The Minneapolis Plan* has the following relevant policies and implementations steps relating to a building addition to an existing church:

**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.**

**Implementation Steps**

Concentrate the greatest density and height in the interior of institutional campuses.

Develop building forms on the edges of institutional property which are most reflective of neighboring properties.

The proposed addition is in conformance with the above noted policy of the comprehensive plan/

**SMALL AREA PLANS ADOPTED BY COUNCIL:**

*The Lyn-Lake Small Area Plan* was adopted by the Minneapolis City Council on June 26, 2009. It does not specifically speak to the issue of small additions to existing uses.

**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.

▪ Building location.

The main church building is existing and reinforces the street wall at or beyond the 20 setback line. The proposed west entry addition will not be up to the front setback line, but will be located 68 feet back from West 28<sup>th</sup> Street. Staff recommends alternative compliance as the main building is up toward the setback line and the new entry is proposed in the middle of the structure on the west side to provide an entry way for the two separate sanctuaries for the two separate congregations. Locating this main entrance at the setback line would not be practical for the proposed shared building concept.

▪ Principal entrance.

The principal entrance to the original structure opens onto the public sidewalk on West 28<sup>th</sup>

Street, but with the construction of the new west entryway this will not longer be used for access. The principal entrance will be on the west side of the building. Staff recommends alternative compliance as the main entrance will remain as an architectural feature and the new west entrance will provide an entry way for the two separate sanctuaries for the two separate congregations. Locating this main entrance at the front of the church would not be practical for the proposed shared building concept. Further, a principal entrance will continue to face the street.

## **MINOR SUBDIVISION**

### **Required Findings:**

**1. The subdivision is in conformance with the land subdivision regulations, the applicable regulations of the zoning ordinance, and policies of the comprehensive plan.**

The subdivision is in conformance with the design requirements of the land subdivision regulations. The proposed split will create the need for floor area ratio, maximum building coverage, and maximum impervious surface variances. Staff is recommending approval of these variances (please see the variance sections of this staff report). The proposed split is in conformance with the comprehensive plan (please see the site plan review section of this staff report).

**2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will allow a land sale to preserve an existing church building. Both lots will meet the minimum lot width and lot area requirements of the zoning code and adequate access and parking will be provided. This should not be detrimental to the surrounding area.

**3. All land intended for building sites can be used safely without endangering the residents or users of the subdivision and the surrounding area because of flooding, erosion, high water table, soil conditions, improper drainage, steep slopes, rock formations, utility easements or other hazard.**

The site is level and does not present the other noted hazards.

**4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to**

**buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

Public Works and the Fire Department have reviewed the site plan and find it acceptable with the comments in the PDR report and subject to an approved Travel Demand Management Plan for the adjacent residential development.

**5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.**

Public Works will require a stormwater management plan and an erosion control plan before any building permits may be issued.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the floor area ratio variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance to increase the maximum allowable floor area ratio from 0.5 to 1.3 for property located at 610 West 28<sup>th</sup> Street.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for parking variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance to reduce the minimum required parking from 30 spaces to 8 spaces property located at 610 West 28<sup>th</sup> Street.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the building coverage variance:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance to increase the maximum allowable building coverage from 50 to 61 percent for property located at 610 West 28<sup>th</sup> Street.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the impervious surface variance:**

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The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the variance to increase the maximum allowable impervious surface from 65 to 79 percent for property located at 610 West 28<sup>th</sup> Street.

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

The 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 610 West 28<sup>th</sup> Street subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by August 10, 2010, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the minor subdivision:**

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the minor subdivision application for property located at 610 West 28<sup>th</sup> Street.

**Attachments:**

- 1) Statements from the applicant.
- 2) PDR report.
- 3) Zoning map.
- 4) Site plan, floor plans, and elevations.
- 5) Photos and aerials.