

GENERAL INFORMATION

Applicant: Westwood Community Church (User)
Engelsma Limited Partnership (Owner)

Location: 6301 Cecilia Circle

Request: Conditional Use Permit for a place of assembly

Existing Land Use and Zoning: Office and warehouse; zoned I-2(PD)

Surrounding Land Use and Zoning: North – Office and warehouse; zoned PID (City of Edina)
South – Interstate Highway 494 right-of-way
East – Office; zoned CO-1
West – Office and warehouse; zoned I-2(PD)

Comprehensive Plan Designation: Industrial

HISTORY

City Council Action: 02/05/1968 – Approved the Final Plat of Nine Mile West 2nd Addition (Case #6588).

Planning Manger Action: 04/23/1996 – Approved a Minor Revision to Final Site and Building Plans for a 60-stall parking lot expansion (Case #10237A-96).

City Council Action: 03/22/2010 – Approved the Rezoning of the site from FD-2 to C-4 (Case #10002A-10).

05/20/2013 – Approved the Rezoning of the site from C-4 to I-2 and Preliminary and Final Development Plans for an existing office/warehouse building (Case #10237ABC-13).

CHRONOLOGY

Planning Commission Action: 03/22/2018 Recommended approval

City Council Agenda: 04/02/2018 Development Business Agenda

PROPOSAL

Westwood Community Church requests a Conditional Use Permit for a place of assembly located at 6301 Cecilia Circle in the I-2 zoning district. The place of assembly would occupy the southern half of the building, approximately 36,000 square feet. The use would include a worship area, commons, offices, classrooms, nursery, and café for internal patrons only. The combination of uses proposed is typical for a place of assembly. No significant external site modifications are proposed as part of the application. Minor sidewalk improvements adjacent to the building may need to occur to accommodate modified facility ingress/egress.

ANALYSIS

A place of assembly is allowed as a conditional use in the I-2 zoning district. Conditional Use Permits for places of assembly must be acted upon by the City Council. The existing facility located at 6301 Cecilia Circle is configured for office use and currently vacant. The total building is 71,798 square feet in size. Westwood Community Church proposed to occupy the southern half of the building, which is 36,405 square feet in size (50.1% of total building).

Based on the fact that minimal exterior site modifications are associated with this application, the primary focus of the Conditional Use Permit review is the potential conflicts between industrial and place of assembly traffic and the quantity of off-street parking available to serve the proposed place of assembly. In addition, review of the use and site according to other performance standards of the City Code, such as trash, landscaping and lighting, is provided.

Access, Circulation, and Parking

The subject site is accessed from Cecilia Circle, a cul-de-sac approximately 400 feet south of West 78th Street, an arterial road. The intersection of Cecilia Circle and West 78th Street is controlled by a traffic signal, managed by the City of Edina. The building is encircled in a Code-compliant circulation drive, with parking provided along the western, southern and eastern sides. Additional parking is provided in the northeast corner of the site.

The subject property currently has 266 parking stalls based on a count completed by staff. To determine the required quantity of parking per the City Code (Sec. 21.301.06), staff completed a parking analysis based on the submitted floor plan. Table 1 provides a breakdown of the various uses and the associated parking requirement. Typical of places of assembly, the applicants note the worship space and commons would not be occupied concurrently. As a result, there are two occupancy scenarios for the place of assembly – Scenario #1 includes full occupancy of the worship center, while Scenario #2 includes full occupancy of the usable portion of the commons area. The parking analysis may consider a non-concurrent use condition of the worship and commons space. When factoring the non-concurrent use condition, Scenario #1 would require 181 for the total place of assembly, whereas Scenario #2 would require 187 parking stalls.

Table 1: Parking Analysis for 6301 Cecilia Circle

Use Description	Standard	Proposed (square feet)	Required Parking (stalls)
Offices	1 stall per 285 square feet	2,548 ¹	8.9
Children Classrooms	1 space per 800 square feet	8,325 ²	10.4
Adult Classrooms	1 space per 200 square feet	803	4.0
Nursery	1 stall per 1/3 occupancy of 1 person per 120 square feet	1,251 ³	3.5
Kitchen	1 stall per 1/3 occupancy of 1 person per 100 square feet	1,218	4.1
Worship	1 stall per 1/3 occupancy of 1 person per 15 square feet	6,739	149.8
Commons	1 stall per 1/3 occupancy of 1 person per 15 square feet	7,025 ⁴	156.1
PARKING REQUIREMENT			
Place of Assembly Occupancy Scenario #1 (Worship Center)			181
Place of Assembly Occupancy Scenario #2 (Commons)			187
Northern Tenant Space (Office/Warehouse Split Scenario)			68
Maximum Total Parking Requirement			255
Total Existing Parking			266

Notes

1. Office area includes volunteer and medical space.
2. Classroom area includes student lobby and student room.
3. Nursery area includes family room and nursing room.
4. Area of the commons was calculated as usable portion available for assembly.

The vacant northern 35,393 square foot tenant space must be factored into the parking analysis. The previous use of the entire building was office. However, given the parking requirements of a place of assembly, it would not be feasible for the northern tenant space to be fully occupied by an office use without a shared parking agreement or some other flexibility measure to reduce the total parking requirement. The applicants have communicated to staff that they will seek a tenant for the vacant space whose use will be Code-compliant from a parking perspective. A Code-compliant use for the vacant space would likely be a mix of office and warehouse space. For the purposes of the parking analysis, staff estimated based on the submitted floor plan that the future use would include 13,589 square feet of office space and 20,257 square feet of warehouse space. Under such an assumption, the northern tenant space would require 68 parking spaces. As a result, the maximum

amount of parking required for the total facility would be 255 parking spaces, 11 spaces less than the existing quantity of 266 spaces.

Given the parking analysis performed by staff is based on an assumption of the northern tenant space future use, the City must review the use and floor plan proposed by the future tenant prior to occupancy. Given that a place of assembly and office/warehouse use typically experience different peak times of parking demand, staff is confident there is adequate parking on-site. However, staff must still review the future use of the northern tenant space from a Code-compliance standpoint. Staff is recommending a condition that the use and floor plan of the northern tenant space be reviewed for parking compliance prior to occupancy.

Non-Concurrent Use Condition

Non-concurrent use conditions have been frequently used at Bloomington place of assembly and school sites to avoid the construction of unnecessary parking. As it is atypical or uncommon for all assembly spaces within places of assembly to be utilized or occupied all at the same time, non-concurrent use conditions formally restrict use with the goal of properly managing parking demand. The benefit of such a condition is to not overbuild parking facilities that will only be used for rare or infrequent events. In this case, Westwood Community Church is proposing to abide by a non-concurrent use condition for the Worship Center and Commons to manage parking demand and demonstrate compliance with the City's parking requirements to the greatest extent possible. Staff is supportive of the non-concurrent use proposal and is recommending a condition that restricts the use of these areas concurrently. Finally, staff is also recommending that the applicant enter into a site development agreement to acknowledge and memorialize the conditions of approval for the Conditional Use Permit.

Landscaping and Lighting

The subject property is legally non-conforming for the quantity of trees and shrubs. A Conditional Use Permit application is not a conformance trigger for compliance with the quantity of landscaping required by City Code. However, a landscaping plan was approved for the site in 1983 when the property was developed. In reviewing the approved landscape plan, based on aerial photography it appears that some plant material may have died since installation. More specifically, it appears that trees are missing in multiple locations, including the southeast and southwest corners of the building, the southwest corner of the property, and possibly along the western boundary. While conformance to present landscaping requirements is not triggered by a Conditional Use Permit, compliance with the approved landscaping plan of record is required. A formal evaluation of the site's existing landscaping in comparison to the approved landscaping plan must be completed. Staff is recommending a condition that landscape material identified in the approved plan that is no longer existing must be replaced or a revised plan be approved prior to occupancy.

To staff's knowledge, the subject property does not presently meet the City's performance standards for exterior lighting (Sec. 21.301.07). As part of the Conditional Use Permit request, the lighting for the quantity of off-street parking serving the place of assembly must be upgraded to meet City

Code. Code requires 1.5 foot-candle on all parking surfaces in industrial areas. The light level of the perimeter 25 feet of the parking areas can be reduced by 50%, requiring a minimum of 0.75 foot-candles. Staff is recommending a condition that Code-compliant lighting be provided for all parking surfaces of the site that serve the place of assembly. The photometric lighting plan must be approved prior to the issuance of any building permits.

Miscellaneous

The State of Minnesota has noise pollution control standards (MN Rules, Part 7030) in place, administered by the Minnesota Pollution Control Agency (MPCA). The rules establish maximum noise levels for various land uses, as well as acceptable methods for noise attenuation. Given the proximity of the subject property to Interstate Highway 494, it is likely that the maximum noise levels for a place of assembly are exceeded. To ensure compliance with the State standards for noise pollution control, staff is recommending a condition that the applicant demonstrate compliance with MN Administrative Rules Chapter 7030 prior to the issuance of a building permit.

Typical of a change of use, the place of assembly must have interior trash and recycling facilities that comply with Section 19.51 of the City Code and the MN State Building Code. Trash and recycling facilities were not included in the submitted floor plan. These facilities will need to be provided internal to the place of assembly. Staff is recommending a condition that compliance with trash and recycling standards be demonstrated prior to issuance of a building permit.

The place of assembly proposes to have a catering kitchen and café. The kitchen facilities are proposed to be utilized for internal functions related to the place of assembly only. Kitchen facilities for places of assembly are not subject to the same performance standards as restaurants. However, to ensure compliance with food equipment rules and regulations, staff is recommending a condition that food service plans be reviewed by Environmental Health for certainty.

Regarding signage, no prospective signs for the place of assembly have been submitted for review. Future signage must comply with Chapter 19, Article X – Sign Regulations of the City Code. Sign permits must be obtained prior to the installation of any signage.

Section 19.63 has specific standards for a freestanding place of assembly. The use would become a “freestanding” place of assembly if more than 75 percent of the floor area were used for a place of assembly. The site would not meet multiple requirements that apply to freestanding places of assembly. Absent a variance or Code amendment, use of more than 75 percent of the floor area on site as a place of assembly would not be allowed.

Traffic Analysis

No significant impacts to the adjacent traffic patterns due to this conditional use permit have been identified. The peak level of traffic associated with the place of assembly is anticipated to be generated on Sundays. In addition, Wednesday evening classes are not anticipated to conflict with surrounding businesses or sites that are served by Cecilia Circle. Regarding internal circulation, no

present conflict exists as the northern tenant space is currently vacant. However, upon occupancy of the northern tenant space, the property owner must be mindful of potential conflicts between the new occupant and the place of assembly. Truck traffic should be minimized on Sundays and other times during large assembly events. On a positive note, the only truck bay for the northern tenant space is located at the northeast corner. The main entrance for the place of assembly is in the southwestern portion of the building. Staff does not anticipate conflicts between the place of assembly and future occupant of the northern tenant space. However, if the time period for major assemblies were to change, the site would need to be reevaluated from a traffic standpoint.

Transit and Transportation Demand Management (TDM)

In order to best manage traffic and parking at the site, the place of assembly will require a Tier 2 TDM plan, which allows the property owner to choose from a menu of TDM options. The owner has not yet submitted a Tier 2 TDM checklist.

Fire Preventions and Public Safety

The fire alarm system to meet the requirements of both an A and I occupancy is required if the childcare area is used for more than one day per week. Otherwise, the general requirements of an assembly occupancy must be met. Depending on the equipment utilized, the catering kitchen will require either a Type I or Type II hood if appliances are capable of cooking foods that produce grease laden vapors.

Emergency vehicle access must be maintained around the property. Any changes made to the current plans, including water supply and addressing, must be reviewed by the Fire Marshal to ensure continued compliance with the Fire Code.

Status of Enforcement Orders

There are currently no open orders for the subject property.

Planning Commission Review

The Planning Commission held a public hearing to consider the subject application on March 22, 2018. One member from the public, representing the abutting property to the north (5555 West 78th Street), shared a concern related to traffic on West 78th Street. She noted that it is challenging exiting their property during the p.m. rush hour. The portion of West 78th Street that serves the speaker's property, as well as the signal at West 78th Street and Cecilia Circle, is a City of Edina facility. Traffic Division staff have contacted the City of Edina on behalf of the property manager. It is staff's understanding that the City of Edina is studying the matter further. With respect to the proposed place of assembly, Traffic Division staff determined that the proposed use will generate less traffic during the pm rush hour than a fully occupied office use would. No one else from the public spoke at the hearing, and City staff has not received any correspondence on the application. Following the public hearing, the Planning Commission unanimously recommended approval of the

Conditional Use Permit application for a place of assembly located at 6301 Cecilia Circle. Full detail of the Planning Commission discussion and action can be found in the attached meeting minutes.

FINDINGS

Required Conditional Use Permit Findings - Section 21.501.04(e)(1)-(5)

Required Finding	Finding Outcome/Discussion
(1) The proposed use is not in conflict with the Comprehensive Plan.	Finding Made – The subject property is guided Industrial. A places of assembly is allowed in the Limited Industrial I-2 zoning district as a conditional use. The proposed use is not in conflict with the Comprehensive Plan.
(2) The proposed use is not in conflict with any adopted District Plan for the area.	Finding Made – The subject property is not located in an area with an adopted District Plan.
(3) The proposed use is not in conflict with City Code provisions.	Finding Made – Subject to compliance with the conditions of approval, the proposed use is not in conflict with City Code provisions.
(4) The proposed use will not create an excessive burden on parks, schools, streets, and other public facilities and utilities which serve or are proposed to serve the planned development.	Finding Made – Subject to compliance with a non-concurrent use condition, there is adequate parking at the subject property to serve the place of assembly. The site is in proximity to and ultimately served by West 78 th Street, an arterial road with adequate capacity. The proposed use is not anticipated to create an excessive burden on parks, schools, streets and other public facilities and utilities which serve the place of assembly.
(5) The proposed use will not be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.	Finding Made – It is anticipated that the peak times of use for the place of assembly will occur in the evenings and weekends. The proposed use is not anticipated to be injurious to the surrounding neighborhood or otherwise harm the public health, safety and welfare.

RECOMMENDATION

The Planning Commission and staff recommend approval of the Conditional Use Permit through the following motion:

In Case PL2018-48, having been able to make the required findings, I move to adopt a resolution approving a Conditional Use Permit for a place of assembly located at 6301 Cecilia Circle, subject to the conditions and Code requirements attached to the staff report.

RECOMMENDED CONDITIONS OF APPROVAL

Case PL2018-48

Project Description: Conditional Use Permit for a place of assembly.

Address: 6301 Cecilia Circle

The following conditions of approval are arranged according to when they must be satisfied. In addition to conditions of approval, the use and improvements must also comply with all applicable local, state, and federal codes. Codes to which the applicant should pay particular attention are included below.

1. Prior to Permit A building permit for all required changes to accommodate the proposed use be obtained.
2. Prior to Permit Sewer Availability Charges (SAC) must be satisfied.
3. Prior to Permit Bicycle parking spaces must be provided and located throughout the site as approved by the City Engineer.
4. Prior to Permit All trash and recyclable materials must be stored inside the principal building (Sec. 19.51).
5. Prior to Permit Parking lot and site security lighting plans must be provided to satisfy the requirements of Section 21.301.07 of the City Code.
6. Prior to Permit Food service plans must be approved by the Environmental Health Division (City Code Sec. 14.360).
7. Prior to Permit Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).
8. Prior to Permit Compliance with MN Rules Chapter 7030 Noise Pollution Control for the place of assembly must be demonstrated prior to the issuance of building permits.
9. Prior to C/O A Site Development Agreement, including all conditions of approval, must be executed by the applicant and the City and must be properly recorded by the applicant with proof of recording provided to the Director of Community Development.
10. Prior to C/O Landscape material missing from the approved landscape plan dated 07/12/1983 must be identified and replaced.
11. Prior to C/O Prior to occupancy, life safety requirements must be reviewed and approved by the Fire Marshal.
12. Ongoing The place of assembly is limited to as shown on the approved plans in Case File #PL201800048.
13. Ongoing Due to limited on-site parking, the Commons must not be used for assembly when the Worship Center is in use.
14. Ongoing The use and floor plan of the northern tenant space be reviewed for parking compliance prior to occupancy.
15. Ongoing Signs must be in compliance with the requirements of Chapter 19, Article X of the City Code.
16. Ongoing All construction related loading, unloading, drop-off, pick-up, staging and parking must occur on site and off public streets.

17. Ongoing Any modifications to private sidewalks must comply with Section 21.301.04 of the City Code.
18. Ongoing Development must comply with the Minnesota State Accessibility Code.