



Minneapolis
City of Lakes

**Community Planning &
Economic Development**

Planning Division

350 South 5th Street - Room 210
Minneapolis MN 55415-1385

Office 612 673-2597
Fax 612 673-2728
TTY 612 673-2157

STOP WORK ORDER

April 25, 2007

John Monnens
Minneapolis Park & Recreation Board
2117 West River Road
Minneapolis, MN 55411

Re: Parade Athletic Fields,
400 Kenwood Pkwy., Minneapolis, Minnesota 55403

The Zoning Administrator has determined construction work at the above property is in violation of the Minneapolis Zoning Code. You are directed to stop all construction activity at this site immediately.

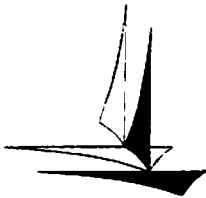
By order of the Zoning Administrator, no work is permitted unless the work is expressly authorized by the Zoning Administrator.

**NO CONSTRUCTION WORK IS PERMITTED
AT THIS SITE WITHOUT THE WRITTEN
PERMISSION OF THE ZONING
ADMINISTRATOR.**

Please call Steve Poor at 673-5837 if you have any questions concerning this order.

Sincerely,

Paul Smith,
Zoning Inspector, CPED



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April 13, 2007

RECEIVED APR 17 2007

John Monnens, AIA
Project Manager
Minneapolis Parks and Recreation Board (MPRB)
2117 West River Road
Minneapolis, MN 55411

RE: Site development and Conditional Use Permit approvals for Parade Stadium site (400 Kenwood Parkway)

Dear Mr. Monnens:

Based on my review the Zoning Code requirements for the Minneapolis Parks and Recreation Board (MPRB) proposal to construct a new athletic field on the site of the former Parade Stadium (400 Kenwood Parkway), it is my determination that a new Conditional Use Permit (CUP) is needed for this project. In addition, due to the location of the site within the Shoreland Overlay District, any structures (including the proposed light poles/standards) that exceed 35 feet in height also require a CUP.

This determination is based on the past use and development on this specific site and the following applicable City of Minneapolis Zoning Code provisions, cited below:

525.360. Changes in approved conditional use permit.

(a) *Minor changes.* The zoning administrator may authorize minor changes in the placement and size of improvements for an approved conditional use permit, if the changes are required because of conditions that were unknown at the time the permit was approved, and the zoning administrator determines that the changes are consistent with the intent of this chapter and the findings made by the city planning commission in connection with the approval of the conditional use permit.

(b) *Other changes.* Changes to the development plan affecting uses, bulk regulations, parking and loading, or components of the conditional use permit other than minor changes in the placement and size of improvements shall require amendment to the conditional use permit by the city planning commission. The requirements for application and approval of a conditional use permit amendment shall be the same as the requirements for original application and approval.

525.370. Discontinuance of conditional use permits.

Where a conditional use has been established and is discontinued for any reason for a period of one (1) year or longer, or where a conditional use has been changed to a permitted use or to any other conditional use, the conditional use permit shall become null and void.

551.480. Height of structures.

The maximum height of all structures within the SH Overlay District shall be two and one-half (2.5) stories or thirty-five (35) feet, whichever is less. The height limitation of principal structures may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards contained in Chapter 525 and this article, the city planning commission shall consider, but not be limited to, the following factors when determining maximum height:

- (1) Access to light and air of surrounding properties.
- (2) Shadowing of residential properties or significant public spaces.
- (3) The scale and character of surrounding uses.
- (4) Preservation of views of landmark buildings, significant open spaces or water bodies.

My office has issued zoning approval for the required erosion control permits only, due to the fact that initial site preparation work has already started. However, no other site improvements (including utilities) shall be initiated until after the required Conditional Use Permit(s) has been approved and the required appeal periods have been completed.

As was indicated in an email (dated Tuesday, April 10, 2007) from Planning Director Barbara Sporlein to Judd Reikerk, you can appeal my decision to the City of Minneapolis Board of Adjustment, per the requirements of Chapter 525.170 of the Minneapolis Zoning Code.

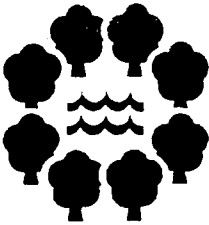
Please contact Brad Carter, Senior City Planner at 612-673-2364 to set up the required pre-application meeting to review the required submittal requirements for the required Conditional Use Permit.

Sincerely,



Stephen Poor
Zoning Administrator
City of Minneapolis
Department of Community Planning and Economic Development

cc: Jason Wittenberg, CPED-Planning
Pat Hilden, Minneapolis Development Review
Scott Bockes, Minneapolis Development Review
Lisa Goodman, Minneapolis City Council, Ward 7
Judd Rietkerk, Minneapolis Parks and Recreation Board



*file
make file*

HT

RECEIVED APR 23 2007

April 20, 2007

**Minneapolis
Park and Recreation
Board**

Stephen Poor
Zoning Administrator
City of Minneapolis
350 South 5th Street
Minneapolis, MN 55415-1385

Administrative Offices
2117 West River Road
Minneapolis, MN 55411-2227
Phone: 612-230-6400
Fax: 612-230-6500

Operations Center
3800 Bryant Avenue South
Minneapolis, MN 55409-1000
Phone: 612-370-4900
Fax: 612-370-4831

Re: Parade Park and Parade Athletic Fields
400 Kenwood Parkway

Dear Mr. Poor:

I have reviewed your letter dated April 13, 2007, to John Monnens regarding construction at The Parade. I believe your determination that the athletic field construction project requires a conditional use permit is based on assumptions rather than facts. I believe that with a clear understanding of the Park Board's project you will agree that a conditional use permit and other new restrictions being placed on the project are inappropriate.

In the first place, The Parade is a public park, and, according to the Minneapolis Zoning Code, public parks are a permitted use in all zoning categories. The Zoning Code defines a public park as "a park operated by the City of Minneapolis, including all park buildings." The Parade is a public park, no different than any the Park Board operates, with a variety of uses that range from ice skating to baseball. The Parade hosts circuses, aquatennial parades, sculpture, and served conservatory functions. It is part of the premier park system that Minneapolis claims as its own. Athletic activities are not a separate land use. A park is a park! Parks are a permitted use. There is no required conditional use or any need to amend a conditional use permit for the current renovation activities at the park.

President
Jon C. Olson

Vice President
Tracy Nordstrom

Commissioners
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Bob Fine
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Tom Nordyke
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Annie Young

Superintendent
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www.minneapolisparcs.org

The Park Board is not constructing a new athletic field at the Parade Stadium site. The fact is that the Park Board is reconfiguring its athletic facilities at the Parade and replacing the previous natural turf playing surface with an artificial turf playing surface. The fact that the program activity is changing from a softball / soccer field to a football / soccer field is not a zoning land use issue. The fact that the Park Board is replacing the ten (10) old 60 foot light fixtures with (4) new 70 foot, high efficiency light fixtures that reduce the glare and light spillage in the neighborhood is a minor change to the existing condition that is far more beneficial to the community than just standing the existing light fixtures back up in a new position. It would be better for the city to assist the Park Board in replacing the field lights on the remainder of the athletic fields at Parade than to force a narrow interpretation of the code so that the lighting conditions do not improve. Is 60 feet with poor lighting better than 70 feet with state of the art lighting?

Once we overcome the issue of a conditional use, the issue of discontinuous use is not a factor in the discussion. However, on that topic, the Parade has continuously operated during the time that the softball / soccer field has been down for renovation. In addition to the Cirque Du Soleil production, the Park Board has continued baseball and ice arena activities at the park and the sculpture gardens and the Cowles Conservatory are open year round as normally scheduled. Thus the park has not discontinued its operation or function during any given years time.

Finally, the Parade was in existence before any SH Overlay District height restrictions were in place. Thus, the Parade is an existing condition and its infrastructure is grandfathered under the Code. However, the Park Board is sensitive to the height issues around its lakes and streams and has objected to new structures being developed that increase the visual impacts on shoreline areas. The Park Board would also note that the Board's objections to other development proposals in the Shoreline Districts have been over ruled by the City Council on every occasion of protest. That being said the Park Board has removed ten (10) existing 60 foot light poles from the existing facility and will be replacing them with a new 70 foot four (4) pole state of the art lighting system that will exceed the city's requirements as defined under the Code Section 535.590 Lighting (b) paragraph (1) (2) & (3).

If after reviewing the facts and information in this letter you are still inclined to have this issued brought to the Board of Adjustment, we will do so. However, we will not stop construction on this project until a ruling is made that a conditional use permit is legally required.

If you have any questions, please feel free to call

Respectfully yours,

Michael P. Schmidt, CPRP, General Manager

Cc: Superintendent Jon R. Gurban
President Jon Olson
Commissioner Tracy Nordstrom
Commissioner Tom Nordyke
Commissioner Bob Fine
Council President Barb Johnson
Council Member Lisa Goodman ✓
Director Barbara L. Sporlein
Director Judd Rietkerk
Brian Rice
file