



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: January 8, 2004

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Prepared by: Becca Farrar, Senior City Planner, (612) 673-3594

Approved by: Barbara Sporlein, Director, Planning

Subject: Appeal of the decision of the City Planning Commission by John Dietrich, with the Lowry Hill East Neighborhood Association

Previous Directives: At the January 12, 2004 City Planning Commission meeting, eight of the Planning Commission members were present. All eight Planning Commissioners voted to approve the Major Site Plan for a 1085 square foot building addition.

Financial Impact: Not applicable

<p>Community Impact:</p>

<p>Ward: 10 (adjacent to 7)</p>
--

<p>Neighborhood Notification: The applicant notified the Lowry Hill East Neighborhood Association, East Isles Residents Association and Lowry Hill Residents, Inc. by letter on December 8, 2003 informing them of the development project. The neighborhood organizations did not provide any written objections to Staff prior to the public hearing or speak at the City Planning Commission hearing held on January 12, 2004.</p>
--

<p>City Goals: See staff report</p>
--

<p>Comprehensive Plan: See staff report</p>
--

<p>Zoning Code: See staff report</p>

<p>Living Wage/Job Linkage: Not applicable</p>

<p>Other: Not applicable</p>

Background/Supporting Information: John Dietrich, President of the Lowry Hill East Neighborhood Association, has filed an appeal of the decision of the City Planning Commission. The appeal is associated with the decision of the City Planning Commission to approve the Major Site Plan for a 1085 square foot building addition. The minutes from the January 12, 2004 City Planning Commission meeting are attached.

Minneapolis City Planning Department Report
BZZ-1528

The appellant has stated that the decision is being appealed for six reasons. First, the appellant states the proposal has landscape deficiencies as the landscape offerings are below City Code requirements. Second, the appellant believes that the proposed building addition will appear as a fortress-style image on both 22nd and Hennepin Avenue. Third, the appellant believes that the lack of windows at eye level do not provide a sense of connection and visibility from the addition to the street and sidewalk. Fourth, the appellant believes that that the encroachment of the proposed building addition within five feet of a 25-inch oak tree will impact 50% of the canopy. Fifth, the appellant believes that there was a lack of a good faith effort by the applicant to request a meeting with the Lowry Hill East Neighborhood Association to review the plans and notify them of the formal City application process. Sixth, the appellant believes that the City Planning Commission failed to insist on a response from a neighborhood group who has formally recorded their opposition to the addition. The appellant's complete statement of the action being appealed and reasons for the appeal are attached.

Minneapolis City Planning Department Report
BZZ-1528

Minneapolis City Planning Department Report

Site Plan Review (BZZ-1528)

Date: January 12, 2004

Date Application Deemed Complete: December 5, 2003

End of 60-Day Decision Period: February 3, 2004

Applicant: Northwestern Health Sciences University

Address of Property: 2201 Hennepin Avenue South

Contact Person and Phone: Gene Branstrom, EM Branstrom Associates Architects, Inc.
952-944-2529

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

Ward: 10 (adjacent to 7) **Neighborhood Organization:** Lowry Hill East Neighborhood Assn.
East Isles Residents Assn.
Lowry Hill Residents, Inc.

Existing Zoning: OR2 (High Density Office Residence District)

Proposed Use: A 1085 square foot building addition to the existing building known as Uptown Natural Care Center.

Appropriate Section(s) of the Zoning Code: Chapter 530 Site Plan Review

Background: The applicant proposes to construct a 1,085 square foot addition to an existing 2,600 square foot building known as Uptown Natural Care Center. The building is currently occupied by Northwestern Health Sciences University and provides educational programs in chiropractic, oriental medicine and massage therapy. The clinic is an intern-training site for the University's chiropractic program.

The applicant proposes to construct the 1085 square foot building addition as well as remodel the existing facility. The new addition will include a men's and women's handicapped restroom, examination and treatment room as well as a storage area. A new covered entrance will be constructed. The existing roof and all windows will be replaced.

The property is zoned OR2, which permits medical clinics, however, major site plan review and approval is required.

SITE PLAN REVIEW

Required Findings for Major 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

A portion of the building is existing. The applicant proposes to construct the building addition predominantly on the north side, however, it wraps around the east and west sides of the building. The existing building and proposed building additions are able to meet all setback requirements. The newly proposed main entrance is connected by a 4' wide sidewalk to the pedestrian walkway adjacent to Hennepin Avenue. The exterior material is compatible on all sides of the building. The proposed building addition is composed almost entirely of brick. The building meets the 30 percent window requirement on the north side, but falls short on the west side facing Hennepin Avenue. Staff believes that the west façade being a prominent corner should include additional windows to break up the massing and meet the 30% requirement.

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 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

The proposal has been reviewed and the access and circulation have been deemed acceptable. There are no on-site parking spaces. A total of 12 off-street parking spaces are required. There are 6 existing off-site parking spaces utilized by the facility. The parking spaces are leased from Washburn-McReavy Funeral Chapel located directly adjacent to the south. An agreement has been provided in the application materials and states that Northwestern Health Sciences University is entitled to the use of up to 6 parking stalls. However, the lease agreement must state that in the event that parking is to be rescinded that Washburn-McReavy Funeral Chapel give 90 days notice. A revised parking agreement must be submitted that states this additional information. The remainder of the required parking is grandfathered. There are no adjacent van accessible handicapped parking spaces in the leased parking lot utilized by the facility. Should there be adequate space within the parking lot, Staff would encourage the applicant to install a van accessible handicapped parking space. Staff also strongly encourages the applicant to install a pedestrian connection from the off-site parking lot, on site to the newly proposed main entrance.

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 shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b)
- 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.
- 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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb

Minneapolis City Planning Department Report
BZZ-1528

positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.

- All other areas not governed by sections 530.150, 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 530.220.
- 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 530.60, as provided in section 530.230.

Currently the site is landscaped. Approximately 300 square feet of landscaping is existing. The applicant proposes to add an additional 400 square feet of landscaping within raised foundation planters on the west and north side of the proposed building addition. The City's landscaping consultant has reviewed the plan and finds it acceptable. The total on site landscaping including the existing and proposed square footage not occupied by buildings is slightly less than the required 20% at approximately 18.5%.

ADDITIONAL STANDARDS:

- 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.
- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- 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.
- 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.

The parking lot is on an adjacent parcel and there is existing landscaping that partially screens to prevent headlights from shining on adjacent properties. The lighting is existing and will comply with Chapters 535 and 541.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Hours of Operation: Hours that the facility can be open to the public under the OR2 zoning classification are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The clinic will meet these hours.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse

Minneapolis City Planning Department Report
BZZ-1528

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.

Window obstructions: 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330. There will be no window signs.

Signage: No new signage is proposed at this time. All new signage is required to meet the requirements of the code. The applicant shall submit a sign inventory, so the Zoning Office can review all new signage for compliance with the code before any new sign permits are issued.

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates this site as a commercial corridor. The plan states that “Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.” The proposed site plan is in conformance with these policies of the Comprehensive Plan.

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

The City Council approved *Hennepin Avenue Strategic Plan: Sustaining the Spirit of the Avenue* in March of 1995. The subject site is located within “The Triangle and Grid District”. This district is guided by specific objectives. The plan states that “Strong street definition in this district should be encouraged with the retention of existing buildings and by adding new two-four-story, multi-use buildings. On street parking, shared parking initiatives and use-related parking structures are possible elements of a strategy of accommodation for all modes of travel.” The proposal is in conformance with the objectives of this plan.

Alternative Compliance. The Planning Commission may approve alternatives to any major 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, 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.**

Minneapolis City Planning Department Report
BZZ-1528

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is necessary in order to compensate for the lack of the 20% on site landscaping requirement. Approximately 18.5% of the site will be landscaped which includes both the existing and proposed landscaping. Staff believes that the applicant has met the requirements of alternative compliance by utilizing brick on the façade of the building as well as the raised foundation landscape planters which will soften the façades of the proposed building addition.

Recommendation of the CPED Planning Division:

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 2201 Hennepin Avenue South subject to the following conditions:

- 1) Staff review and approval of the final site, landscaping, lighting, and snow storage and removal plans before permits may be issued and improvements are installed. All site improvements shall be completed by March 15, 2005 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before permits may be issued.
- 3) Addition of windows to meet the 30% requirement on the west facing façade of the proposed building addition.
- 4) A revised parking agreement stating that in the event that parking is to be rescinded that Washburn-McReavy Funeral Chapel give 90 days notice.