

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variances, Site Plan Review, Preliminary Plat and Boulevard Vacation  
BZZ-4181, PL-231 and Vac-1550

**Date:** September 22, 2008

**Applicant:** Housing 150 – Nicollet LLC

**Address of Property:** 3700 Nicollet Avenue

**Project Name:** Nicollet Square

**Contact Person and Phone:** Kirk Moorhead, (612) 871-0890

**Planning Staff and Phone:** Hilary Dvorak, (612) 673-2639

**Date Application Deemed Complete:** August 20, 2008

**End of 60-Day Decision Period:** October 19, 2008

**End of 120-Day Decision Period:** Not applicable for this development

**Ward:** 8      **Neighborhood Organization:** Kingfield Neighborhood Association

**Existing Zoning:** OR2, High Density Office Residence District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 25

**Legal Description:** Not applicable for this development

**Proposed Use:** 42-unit supportive housing development with first floor commercial space

**Concurrent Review:**

**Conditional Use Permit:** for a 42-unit supporting housing facility

**Variance:** to increase the number of residents in the facility from the maximum of 32 to 42

**Variance:** to reduce the front yard setback along Nicollet Avenue from the established 42 feet to 3.5 feet

**Variance:** to reduce the front yard setback along West 37<sup>th</sup> Street from the established 16 feet to 10 feet

**Variance:** to reduce the off-street parking requirement from 35 spaces to 26 spaces

**Variance:** to increase the size of one neighborhood serving retail sales and services use from the maximum 2,000 square feet to 2,535 square feet

**Variance:** to increase the maximum permitted height of the wall signs from 14 feet to 16 feet

**Site plan review**

**Preliminary Plat (PI-231)**

**Vacation (Vac-1550):** of the boulevard reserve along Nicollet Avenue

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...”, Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, Section 525.520(7) “to reduce the applicable off-street parking requirements by up to one hundred (100) percent, provided the proposed use of building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use”, Section 525.520(3) “to vary the gross floor area, floor area ratio and seating requirements of a structure or use”, Section 525.520(21) “to vary the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs”, Chapter 530, Site Plan Review and Chapter 598, Land Subdivision Regulations.

**Background:** The site is located on the southwest corner of the intersection of Nicollet Avenue and West 37<sup>th</sup> Street in the Kingfield Neighborhood in Southwest Minneapolis. Since 1937, the site has been occupied by the Werness Brothers Funeral Chapel until its closing in 2005. The applicant, Housing 150 – Nicollet LLC, is a partnership between Westminster Presbyterian Church, Plymouth Congregational Church and the Plymouth Church Neighborhood Foundation. The applicant is proposing to demolish the funeral home and construct a mixed-use building containing 42-units of supportive housing, supportive service offices and three commercial spaces.

The targeted population for the housing portion of the building will be young adults who are homeless or aging out of foster care. The residents, with an income level below 30 percent of the area median income, will be provided furnished studio apartments for modest rents. On-site supportive services include assistance finding educational and employment opportunities, classes to increase ones independent living skills and aid finding physical and mental health providers.

The development will be a three-story building. The first floor of the building will contain office space for the supportive services as well as a community room with a kitchen, a fitness center and a computer room. There will also be three commercial spaces on the first floor. One of the commercial spaces will be established as an employment opportunity for the residents of the building who have had a difficult time finding a job. The upper two levels will each contain 21 studio apartments with kitchens and bathrooms, a lounge area and laundry facilities.

There will be a total of 26 parking spaces located on the site. The parking spaces will be divided into two separate surface parking lots. One parking area will be located off of the alley and the other will be located off of West 37<sup>th</sup> Street. In addition to vehicle parking there will be an enclosed bicycle parking area for the residents located towards the back of the building as well as a series of bike racks along Nicollet Avenue.

One of the applications that is being requested for this development is a preliminary plat. The applicant is proposing to divide the existing parcel of land into two lots. One is for the proposed mixed-use development and the other will be for a future townhouse development. At this time no information is available about the townhouse development as a developer has not yet been selected.

Another application that is being requested for this development is a vacation of the 20-foot deep boulevard easement that runs along Nicollet Avenue. In 1883 a boulevard easement was placed over the properties located along the west side of Nicollet Avenue between West 34<sup>th</sup> Street and West 38<sup>th</sup> Street. After many years of the boulevard never being implemented, individual property owners started petitioning the City of Minneapolis to release the easement for private development purposes. The boulevard reserve adjacent to Lots 1 through 3 on the block between West 34<sup>th</sup> Street and West 35<sup>th</sup> Street was vacated in 1939, the entire boulevard reserve between West 35<sup>th</sup> Street and West 36<sup>th</sup> Street was vacated in 2002 and the entire boulevard reserve between West 36<sup>th</sup> Street and West 37<sup>th</sup> Street was vacated in 1991.

The applicant has met with the Kingfield Neighborhood Association on several occasions to discuss the development proposal. In this staff report there is a packet of information from the Kingfield Neighborhood Association which documents the neighborhood review of this project. In the packet of information are the minutes from the Kingfield Neighborhood Association's Board of Directors meeting where the board members voted to support all of the required land use applications.

**CONDITIONAL USE PERMIT** - for a 42-unit supporting housing facility

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

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

**1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that a 42-unit supportive housing development will be detrimental to or endanger the public health, safety, comfort or general welfare. The development will provide housing for young adults who are homeless or aging out of foster care. The supportive services provided within the building will enable the residents to gain skills that will allow them to one day live on their own.

**2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The Planning Division does not believe that a supportive housing development would be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. Utilizing the site for a supportive housing development would provide opportunities for young adults who are homeless or aging out of foster care to live in the Kingfield neighborhood.

Supportive housing facilities must comply with Chapter 536, Specific Development Standards of the zoning code. One of the standards requires that supportive housing facilities be located at least a quarter

mile from all other existing supportive housing facilities as well as community correctional facilities, community residential facilities, inebriate housing facilities, motels and overnight shelters. It has been determined that this site is not located within a quarter mile of any of the aforementioned uses. Locating supportive housing facilities in neighborhoods that do not already have a concentration of them supports the goals of *The Minneapolis Plan*. Constructing housing for homeless individuals not only supports the goals of *The Minneapolis Plan* but also the goals of *Heading Home Hennepin* which is the joint City of Minneapolis and Hennepin County’s plan to end homelessness in 10 years in the City of Minneapolis and Hennepin County.

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

The applicant would be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

There are currently three curb cuts leading to the site along Nicollet Avenue and the site is fully accessible from the alley. The proposed parking spaces will be divided into two separate surface parking lots. One will be accessed off of the alley and the other will be accessed off of West 37<sup>th</sup> Street. Limiting how one accesses the on-site parking lots will help minimize vehicular conflicts with pedestrians.

**4. Adequate measures have been or will be taken to minimize traffic congestion in the public streets.**

The parking requirement for a supportive housing facility is one parking space per every four beds. However, in the OR2 zoning district the parking requirement for all dwellings and congregate living facilities (supportive housing) is 90 percent of what is required by the zoning code. For 42 beds the parking requirement is 11 parking spaces. Ninety percent of 11 parking spaces is 10 parking spaces. There are a total of 26 parking spaces provided on the site.

**5. The conditional use is consistent with the applicable policies of the comprehensive plan.**

This site is located on the southwest corner of the intersection of Nicollet Avenue and West 37<sup>th</sup> Street. Nicollet Avenue is a designated Community Corridor. The site is located one block north of West 38<sup>th</sup> Street which is also a designated Community Corridor. The intersection of Nicollet Avenue and West 38<sup>th</sup> Street is a designated Neighborhood Commercial Node. The land use features in the update to *The Minneapolis Plan* are the same. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Strengthen the residential character of Community Corridors by developing appropriate housing types that represent variety and a range of affordability levels (Implementation Step for Policy 4.2).

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- Promote more intensive residential development along these corridors where appropriate (Implementation Step for Policy 4.2).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 4.2).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Promote medium density residential development around Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).
- Minneapolis will increase its housing that is affordable to low and moderate income households (Policy 4.10).
- Minneapolis will improve the availability of housing options for its residents (Policy 4.11).
- Increase the variety of housing styles and affordability levels available to prospective buyers and renters (Implementation Step for Policy 4.11).
- Diversify the location distribution of affordable housing in order to allay the historic patterns of concentration of poverty that characterizes some neighborhoods (Implementation Step for Policy 4.11).
- Support the development of housing with supportive services that help households gain stability in areas such as employment, housing retention, parenting, mental health and substance challenges (Implementation Step for Policy 4.11).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*. The applicant is proposing to construct a 42-unit supportive housing development on the site which will be marketed towards young adults who are homeless or aging out of foster care with an income level below 30 percent of the area median income. All of the dwelling units will be studio apartments with kitchens and bathrooms. In addition, the applicant has chosen to develop a supportive housing facility that is not located within a quarter mile of any other supportive housing facility, community correctional facility, community residential facility, inebriate housing facility, motel or overnight shelter.

**6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.**

With the approval of the conditional use permit, variances, site plan review, preliminary plat and boulevard vacation this development will be in conformance with the applicable regulations of the OR2 zoning district.

**VARIANCE** - to increase the number of residents in the facility from the maximum of 32 to 42

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

- 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.**

**Number of residents:** The applicant is seeking a variance to increase the number of residents in the facility from the maximum of 32 to 42. The density requirement in the OR2 zoning district is 700 square feet of lot area per dwelling unit or rooming unit. The site in question is 44,545 square feet in size. A site of this size would allow up to 63 dwelling units or rooming units. However, because the proposed development has housing and supportive services for the residents in the same building the occupancy is limited to 32.

**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.**

**Number of residents:** The Planning Division believes that the circumstances are unique to warrant the granting of the variance. The parcel of land is unique in that based on the zoning district and the allowable density, the applicant could have up to 63 dwelling units or rooming units on this site.

**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.**

**Number of residents:** The Planning Division believes that the granting of the variance would 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. With 42 residents proposed the applicant is asking to allow two-thirds the total of what is allowed in the OR2 zoning district.

**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.**

**Number of residents:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance to increase the number of residents in the building be detrimental to welfare or public safety.

**VARIANCE** - to reduce the front yard setback along Nicollet Avenue from the established 42 feet to 3.5 feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Front yard setback along Nicollet Avenue:** The applicant is seeking a variance to reduce the front yard setback along Nicollet Avenue from the established 42 feet to 3.5 feet. The building is located six feet from the front property line. However, because the size of the second and third floor bay windows exceed 50 square feet they do not qualify as permitted obstructions and therefore the front yard setback

is measured to the face of them. The applicant has indicated that in order to design the site with the surface parking areas located completely to the rear of the building that the building itself needs to be located closer to the front property line than the adjacent residential structure. The applicant has also indicated that the building's location is not out of character with the character of the surrounding area as there are several buildings located up to the front property line along Nicollet Avenue.

**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.**

**Front yard setback along Nicollet Avenue:** The fact that there are other buildings built up to the front property line located on the 3700 block of Nicollet Avenue is a unique circumstance of this 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.**

**Front yard setback along Nicollet Avenue:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of the variance would 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 proposed development would be located closer to Nicollet Avenue than the two single-family homes to the south. However, the commercial properties located on the south end of the block are located up to the front property line. In addition, there is a total of 13 feet between the proposed building and the adjacent residential property. The area in between the two buildings will be landscaped.

**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.**

**Front yard setback along Nicollet Avenue:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the front yard setback along West 37<sup>th</sup> Street from the established 16 feet to 10 feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Front yard setback along West 37<sup>th</sup> Street:** The applicant is seeking a variance to reduce the front yard setback along West 37<sup>th</sup> Street from the established 16 feet to 10 feet. The site is a reverse corner lot and is therefore subject to two front yard setbacks; Nicollet Avenue and West 37<sup>th</sup> Street. The nearest residential property along West 37<sup>th</sup> Street is located approximately 160 feet to the west of the site. In between the adjacent property and the proposed building is the lot that the applicant is subdividing off from the development site for a future townhouse development and the public alley.

**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.**

**Front yard setback along West 37<sup>th</sup> Street:** The fact that the building is located approximately 160 feet away from the nearest residential structure along West 37<sup>th</sup> Street is a unique circumstance of this project.

**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.**

**Front yard setback along West 37<sup>th</sup> Street:** The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of the variance would 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 proposed development would be located closer to West 37<sup>th</sup> Street than the single-family homes to the west. However, the development is located approximately 160 feet away from the nearest residential structure.

**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.**

**Front yard setback along West 37<sup>th</sup> Street:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the setback variance be detrimental to welfare or public safety.

**VARIANCE** - to reduce the off-street parking requirement from 35 spaces to 26 spaces

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

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**Parking reduction:** The applicant is seeking a variance to reduce the off-street parking requirement from 35 spaces to 26 spaces. The parking requirement for a supportive housing facility is one parking space per every four beds. In the OR2 zoning district the parking requirement for all dwellings and congregate living facilities (supportive housing) is 90 percent of what is required by the zoning code. For 42 beds the parking requirement is 11 parking spaces. Ninety percent of 11 parking spaces is 10 parking spaces.

The parking requirement for offices and neighborhood serving retail sales and services uses is one space per every 300 square feet of gross floor area in excess of 4,000 square feet but not less than four spaces per use. Both the office space and the neighborhood service retail sales and services space is less than 4,000 square feet so the parking requirement for both of these uses is eight.

The parking requirement for a food and beverage use is equal to 30 percent of the capacity of persons. The seating area of the food and beverage use is 1,300 square feet so the parking requirement is 26 spaces.

The zoning code allows a ten percent reduction for housing developments if located within 300 feet of a transit stop with midday service headways of 30 minutes or less. There is a bus stop located at the intersection of Nicollet Avenue and West 38<sup>th</sup> Street that is located within 300 feet of the site and has midday service headways of 30 minutes or less. With the 10 percent reduction the parking requirement for the supportive housing portion of the development is nine spaces.

The zoning code also allows a one-space reduction in parking per use when a minimum of four bicycle parking spaces are provided on site. There will be an enclosed bicycle parking area for the residents located towards the back of the building and a total of 12 bicycle parking spaces located along Nicollet Avenue. Given the amount of bicycle parking spaces being provided on site the parking requirement for this development can be reduced by an additional four spaces.

The zoning code and *The Minneapolis Plan* encourages shared parking. The number of shared spaces for two or more distinguishable land uses shall be determined by the following procedure:

- a. Multiply the minimum parking required for each individual use, as set forth in Table 541-1, Specific Off-Street Parking Provisions, by the appropriate percentage indicated in Table 541-2, Shared Parking Calculations, for each of the six (6) designated time periods.
- b. Add the resulting sums for each of the six (6) columns.
- c. The minimum parking requirement shall be the highest sum among the six (6) columns resulting from the above calculations.
- d. Select the time period with the highest total parking requirement and use that total as the shared parking requirement.

The following is the shared parking table for the residential development, the office and neighborhood serving retail sales and services uses and the food and beverage use. The resulting parking requirement for each use is noted in parenthesis.

**Table 541-2 Shared Parking Calculations**

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General Land Use Classification	Weekdays			Weekends		
	1:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 1:00 a.m.	1:00 a.m. – 7:00 a.m.	7:00 a.m. – 6:00 p.m.	6:00 p.m. – 1:00 a.m.
Residential	100% (8)	60% (5)	100% (8)	100% (8)	75% (6)	90% (7)
Office	5% (0)	100% (3)	5% (0)	0% (0)	15% (0)	0% (0)
Neighborhood Serving Retail Sales and Services	0% (0)	100% (3)	80% (2)	0% (0)	100% (3)	60% (2)
Food and Beverage	20% (5)	70% (18)	100% (25)	30% (8)	75% (19)	100% (25)
<b>TOTAL</b>	<b>13</b>	<b>29</b>	<b>35</b>	<b>16</b>	<b>28</b>	<b>34</b>

The shared parking table indicates that the peak demand of 35 spaces will occur between 6 pm and 1 am during the weekday.

The total parking requirement for this development is 35 spaces. There are a total of 26 parking spaces being provided on the site. The applicant has indicated that the parking requirement could be met on the site but in order to do so the green space located towards the rear of the building would have to be eliminated which is meant to be an amenity for the residents living in the building.

This area of the City is well served by transit. There are a handful of bus routes that run along Nicollet Avenue, West 36<sup>th</sup> Street, West 38<sup>th</sup> Street and Interstate 35W. Metro Transit’s route 18 is a high frequency route that runs along Nicollet Avenue with midday headways of 8 minutes or less. *The Minneapolis Plan* has policy that says to limit the amount of parking when located in a Transit Station Area (TSA). Although this site is not located in a TSA the applicant has compared the frequency of Metro Transit’s route 18 to the frequency of the light rail line.

**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.**

**Parking reduction:** The fact that this site is located on Nicollet Avenue and has a high frequency route running along it with midday headways of 8 minutes or less is a unique circumstance of this 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.**

**Parking reduction:** 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. According to the shared parking table the peak demand for parking occurs during the weekdays between 6 pm and 1 am. The hours of operation allowed in the OR2 zoning district only allow businesses to be open until 10 pm Monday through Thursday and until 11 pm on Fridays.

**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.**

**Parking reduction:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the parking reduction variance be detrimental to welfare or public safety.

**VARIANCE** - to increase the size of one neighborhood serving retail sales and services use from the maximum 2,000 square feet to 2,535 square feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Size of one neighborhood serving retail sales and services use:** The applicant is seeking a variance to increase the size of one neighborhood serving retail sales and services use from the maximum 2,000 square feet to 2,535 square feet. The larger commercial space within the building is going to be used as a coffee shop and will also be the employment opportunity for the residents of the building who have had a difficult time finding a job. The applicant has indicated that although the size of the space is larger than 2,000 square feet that its size is only 20 percent larger than what is allowed by the zoning code and there won't be more than 30 seats located inside.

**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.**

**Size of one neighborhood serving retail sales and services use:** The fact that the proposed size of the neighborhood serving retail sales and services use proposed to be 20 percent larger than what is allowed by code but will not have more seats that what is allowed by code is a unique circumstance of this project.

**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.**

**Size of one neighborhood serving retail sales and services use:** 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 site is located on Nicollet Avenue which is a designated Community Corridor and the intersection of Nicollet Avenue and West 38<sup>th</sup> Street is a designated Neighborhood Commercial Node. Both of these land use features in *The Minneapolis Plan* call for the continued presence of small scale retail sales and commercial services.

**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.**

**Size of one neighborhood serving retail sales and services use:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the variance top increase the size of one neighborhood serving retail sales and services use within the building be detrimental to welfare or public safety.

**VARIANCE** - to increase the maximum permitted height of the wall signs from 14 feet to 16 feet

**Findings as Required by the Minneapolis Zoning Code for the Variance:**

**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.**

**Wall sign height:** The applicant is seeking a variance to increase the maximum permitted height of the wall signs from 14 feet to 16 feet. The applicant has indicated that due to the difference in grade from the front of the site to the back of the site the commercial spaces within the building have higher than normal ceiling heights resulting in a sign band located above 14 feet.

**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.**

**Wall sign height:** The change in grade that occurs on the site is a unique circumstance of this project.

**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.**

**Wall sign height:** 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. Placing the signs at a maximum height of 16 feet is proportionate to the overall size of the building.

**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.**

**Wall sign height:** The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the sign height variance be detrimental to welfare or public safety.

**543.420. Approval criteria.** Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

**1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

Placing the signs at a maximum height of 16 feet will not lead to sign clutter. The maximum size of a wall sign for neighborhood serving retail sales and services uses is 30 square feet. The applicant has indicated that the individual sign size will not exceed what is allowed in the zoning code.

**2. The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

Since the uses of the building are not known there are no specific sign plans to review at this time. Given this, the Planning Division is recommending that all of the signs be limited to individual letters or elements and that they be either internally or externally illuminated.

### **SITE PLAN REVIEW**

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

- 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.**

- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **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.**

**PLANNING DEPARTMENT RESPONSE:**

- The building reinforces the street wall, facilitates pedestrian access and maximizes natural surveillance. The building is set close to the front property lines along both Nicollet Avenue and West 37<sup>th</sup> Street, each use within the building has an entrance facing the street and there are windows along all sides of the building where people can see in and out.
- The first floor of the building is required to be located within eight feet of the front property line except where a greater yard is required by the zoning ordinance. In this particular development the lot is a reverse corner so West 37<sup>th</sup> Street is also a front yard. The required front yard setback in the OR2 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along Nicollet Avenue is 42 feet and the front yard setback along West 37<sup>th</sup> Street is 16 feet. The applicant is seeking a variance to locate the building three and a half feet from the front property line along Nicollet Avenue and 10 feet from the front property line along West 37<sup>th</sup> Street.
- The area in between the building and the front property line along Nicollet Avenue will be used for both landscaping and increased sidewalk width and the area in between the building and the front property line along West 37<sup>th</sup> Street will be used for landscaping.
- Each use within the building has a principal entrance facing the street. Each use also has an entrance facing the parking areas located towards the rear of the building.
- The overall size of the building has been minimized through the use of bay windows along the Nicollet Avenue facade, small recesses in the building walls and a mixture of exterior building materials and colors.
- All of the on-site parking spaces are located towards the rear of the building.
- The exterior materials of the structure include brick, stucco and cement board siding. All four sides of the building are similar to and compatible with the front of the building.
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor and at least 10 percent of the upper floors of the building that face a public street or an on-site parking area are required to be windows. Window area at the first floor or ground level is measured between two and ten feet above the adjacent grade. The analysis of the project's compliance with these requirements is as follows:
  - Nicollet Avenue: the percentage of windows on the first floor of the building is 43 percent and the percentage of windows on the second and third floors of the building is 21 percent. Please note that although the percentage of windows on the first floor of the building is 43 percent, only

30 percent of the windows are located between four and seven feet above the adjacent grade. The remaining 13 percent of the windows are located seven feet above the adjacent grade because of the grade change that occurs on the site.

- West 37<sup>th</sup> Street: the percentage of windows on the first floor of the building is 60 percent and the percentage of windows on the second and third floors of the building is 15 percent.
- West building wall facing the on-site parking lot: the percentage of windows on the first floor of the building is 29 percent and the percentage of windows on the second and third floors of the building is 17 percent. The Planning Division is recommending that the minimum window percentage be met on the first floor of the building facing the on-site parking lot.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that at least 30 percent of the window area allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of the zoning code.
- The principal roof line of the building will be flat. In the area both pitched roofs and flat roofed buildings can be found. The commercial and multiple-family residential buildings in the area primarily have flat roofs and the single and two-family dwellings primarily have pitched roofs.

#### **ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

#### **PLANNING DEPARTMENT RESPONSE:**

- All of the entrances leading into and out of the building and the on-site parking areas are connected to one of the adjacent public sidewalks and on-site parking areas via a walkway.
- No transit shelters are proposed as part of this development.
- There are currently three curb cuts leading to the site along Nicollet Avenue and the site is fully accessible from the alley. After the development is complete the site will be accessed from one curb cut off of West 37<sup>th</sup> Street and one driveway off of the alley. Supportive housing facilities and neighborhood serving retail sales and services uses less than 4,000 square feet in size are permitted to utilize public alleys for access purposes.
- The maximum impervious surface requirement in the OR2 zoning district is 85 percent. According to the materials submitted by the applicant 79 percent of the site will be impervious.

#### **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 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.

**PLANNING DEPARTMENT RESPONSE:**

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 44,545 square feet. The footprint of the building is 12,229 square feet. When you subtract the footprint from the lot size the resulting number is 32,316 square feet. Twenty percent of this number is 6,463 square feet. According to the applicant's landscaping plan there is 9,341 square feet of landscaping on the site or approximately 29 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 14 and 65 respectively. The applicant is proposing to have 18 canopy trees, 13 evergreen trees, six ornamental trees, 399 shrubs and 131 perennials located on the site. The applicant is also proposing to plant seven canopy trees in the boulevard along Nicollet Avenue.

- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. This requirement is being met.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. According to the landscaping plan the parking lot will be screened from the surrounding public streets and sidewalks.
- The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. This requirement is being met.
- Screening equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use. This requirement is being met.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. With 38 feet of parking lot frontage along West 37<sup>th</sup> Street two trees are required. This requirement is being met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This requirement is being met.
- Tree islands in parking lots must have a minimum width of 7 feet in any direction. This requirement is being met.
- Rock mulch is proposed to be used in landscaped areas near the perimeter of the building. The applicant has indicated that using rock mulch in landscaping beds adjacent to the building discourages insects and other critters from getting into the building and provides better long-term access for maintenance staff to wash windows, paint, etc. Because the rock mulch is confined to specific locations and will be hidden from view by the landscaping material the Planning Staff is not recommending that the Planning Commission require that wood mulch be used in all landscaped areas.

**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.**

**PLANNING DEPARTMENT RESPONSE:**

- Stormwater runoff from the parking lots and building roof will be directed to a series of underground pipes that will be placed beneath the parking lots, which are perforated to allow for stormwater infiltration underground.
- This building should not block views of important elements in the city.
- This building should have minimal shadowing effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the building entrances are accessible directly from the public sidewalk, there are windows where people can see in and out along all levels of the building and there are lights located near all of the pedestrian entrances and throughout the parking areas.
- This site is neither historically designated nor located in a historic district.

**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:**

- **Use:** Supportive housing facilities require a conditional use permit in the OR2 zoning district. For reference, please note that all multiple-family developments over five dwelling units require a conditional use permit.
- **Off-Street Parking and Loading:** The total parking requirement for the development is 35 parking spaces. There will be a total of 26 parking spaces provided on the site. The applicant has applied for a variance to reduce the required number of off-street parking spaces for the development from 35 spaces to 26 spaces.
- **Maximum Floor Area:** The maximum FAR in the OR2 zoning district is 2.5. The lot in question is 44,545 square feet in area. The applicant proposes a total of 36,847 square feet of gross floor area, an FAR of .83.
- **Building Height:** Building height in the OR2 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is three stories or 40 feet in height.
- **Minimum Lot Area:** The minimum lot area per dwelling unit in the OR2 zoning district is 700 square feet. With 42 proposed rooming units on a lot of 44,545 square feet, the applicant proposes 1,061 square feet of lot area per dwelling unit.

- **Dwelling Units per Acre:** The site is 1.02 acres in size. There are 42.84 dwelling units per acre proposed on the site.
- **Yard Requirements:** The site is a reverse corner lot and is therefore subject to two front yard setbacks; Nicollet Avenue and West 37<sup>th</sup> Street. The required front yard setback in the OR2 zoning district is 15 feet or the established setback of the adjacent residential property. In this case the front yard setback along Nicollet Avenue is 42 feet and the front yard setback along West 37<sup>th</sup> Street is 16 feet. The applicant is seeking a variance to locate the building three and a half feet from the front property line along Nicollet Avenue and 10 feet from the front property line along West 37<sup>th</sup> Street. The interior side yard setback in the OR2 zoning district is 5+2x, where x equals the number of stories above the first floor. The resulting setback along the south interior side yard is nine feet. This setback is being met. The interior rear yard setback in the OR2 zoning district is 5+2x, where x equals the number of stories above the first floor. The resulting setback along the west rear yard is nine feet. This setback is being met.
- **Specific Development Standards:** Supportive housing facilities are subject to specific development standards:
  - Supportive housing shall be located at least one-fourth ( 1/4) mile from all existing supportive housing and from all of the following uses, except in the B4H Overlay District:
    - Community correctional facility.
    - Community residential facility.
    - Inebriate housing.
    - Motel.
    - Overnight shelter.
  - The maximum number of persons served shall not exceed thirty-two (32), except in the B4H Overlay District.
  - On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.
  - To the extent practical, all new construction or additions to existing buildings shall be compatible with the scale and character of the surroundings, and exterior building materials shall be harmonious with other buildings in the neighborhood.
  - An appropriate transition area between the use and adjacent property shall be provided by landscaping, screening, and other site improvements consistent with the character of the neighborhood.
  - The operator shall submit a management plan for the facility and a floor plan showing sleeping areas, emergency exits and bathrooms.
- **Hours of Operation:** Residential uses are not subject to hours of operation. The hours of operation in the OR2 zoning district are Sunday through Thursday 7 am to 10 pm and Friday and Saturday 7 am to 11 pm.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the OR2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square

foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size, except signs for neighborhood serving retail sales and services uses are limited to 30 square feet. Projecting signs are limited to 12 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 32 square feet and can be no taller than 8 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have a freestanding sign on the site. The applicant is proposing to have wall signs for each of the office and neighborhood serving retail sales and services uses. The wall signs are each smaller than 30 square feet but they are located at a height of 16 feet above ground. The applicant has applied for a variance to increase the height of the wall signs to 16 feet.

- **Refuse storage:** There is an enclosed trash and recycling area located towards the rear of the building.
- **Lighting:** A lighting plan showing footcandles was submitted as part of the application materials. The lighting plan indicates that the lighting level will be in compliance with the standards of Chapter 535, Regulations of General Applicability.

**MINNEAPOLIS PLAN:**

This site is located on the southwest corner of the intersection of Nicollet Avenue and West 37<sup>th</sup> Street. Nicollet Avenue is a designated Community Corridor. The site is located one block north of West 38<sup>th</sup> Street which is also a designated Community Corridor. The intersection of Nicollet Avenue and West 38<sup>th</sup> Street is a designated Neighborhood Commercial Node. The land use features in the update to *The Minneapolis Plan* are the same. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods (Implementation Step for Policy 9.6).
- Support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both a natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Locate parking lot behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas (Implementation Step for Policy 9.12).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).

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- Require screening and buffering for new developments next to residential areas (Implementation Step for Policy 9.15).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (policy 9.16).
- Build on recent initiatives to use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land (Policy 9.17).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan*.

The Planning Division believes that the proposed project is in conformance with the above policies of *The Minneapolis Plan*.

The *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan was adopted by the Minneapolis City Council in May of 2000. The four main strategies for the corridor identified in the plan are as follows:

1. Invest in well-defined commercial nodes and corridors to encourage increased compatibility of adjacent uses.
2. Redevelop under-utilized commercial uses to encourage increased compatibility of adjacent uses.
3. Encourage quality urban design and pedestrian-friendly environments.
4. Manage traffic flow and reduce traffic speed.

The four strategies are meant to promote “commercial vitality and preserve residential quality, thereby supporting both the commercial corridor and community corridor characteristics of Nicollet Avenue”.

The plan also has specific recommendations that pertain to the area along Nicollet Avenue between West 33<sup>rd</sup> Street and West 40<sup>th</sup> Street:

1. Encourage the redevelopment of the underutilized commercial uses at the 37<sup>th</sup> Street node. Encourage improved site and building design in the short –term. In the long-term, redevelop the site as low- to mid-density residential (to match the character of surrounding residences). Capitalize on the existing quality residential neighborhood.
2. Improve the urban tree canopy in the segment from 33<sup>rd</sup> to 40<sup>th</sup> Streets, and on the 3500 block in particular.

The Planning Division believes that the proposed project is in conformance with the above policies of the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan.

**ALTERNATIVE COMPLIANCE:**

- **The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**
- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include**

**but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

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

**PLANNING DEPARTMENT RESPONSE:**

- Alternative compliance is not necessary for this development.

**PRELIMINARY PLAT** - PL-231

**Required Findings:**

- 1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Code and policies of the Comprehensive Plan.**

The subdivision is in conformance with the regulations of the zoning code and the comprehensive plan. The subdivision is also in conformance with the design requirements of the land subdivision regulations except for Section 598.240(4) which prohibits the creation of reverse frontage lots.

The applicant is proposing to divide the existing parcel of land into two lots. Lot 1 is being created for the proposed mixed-use development and Lot 2 is being created for a future townhouse development. Lot 1 does not have reverse frontage so a variance is not needed for this lot. However, Lot 2 has reverse frontage so a variance is required.

While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below:

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.

- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

Along West 37<sup>th</sup> Street there are six properties that already have reverse frontage. Given this, subdividing the development site into two lots and creating one with reverse frontage would not be out of character with the surrounding area.

- 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 Planning Division does not believe that the proposed development will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The 42-unit supportive housing development with three first floor commercial spaces will provide additional housing options within the neighborhood and new commercial uses.

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

The Planning Division believes that the site can be developed upon and used safely.

- 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**

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.**

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

**VACATION (Vac1550)** – Vacating all that part of the Boulevard Reserve easement as dedicated in the plat of Park Addition to Minneapolis, being a 20.00 foot strip lying south of the north line of Lot 1 as

extended east, and lying north of the south line of Lot 6 as extended east, all according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota.

**Development Plan:** The site plan is included in the packet.

**Responses from Utilities and Affected Property Owners:** No utilities and/or affected property owners have requested an easement.

**Findings:** The Public Works Department and the Community Planning and Economic Development Department – Planning Division find that the area proposed for the vacation is not needed for any public purpose and it is not part of a public transportation corridor.

## **RECOMMENDATIONS**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for a 42-unit supporting housing facility located at 3700 Nicollet Avenue subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. On-site services shall be for residents of the facility only, except where part of a regimen of scheduled post-residential treatment.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the number of residents in the facility from the maximum of 32 to 42 located at 3700 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to

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reduce the front yard setback along Nicollet Avenue from the established 42 feet to 3.5 feet located at 3700 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the front yard setback along West 37th Street from the established 16 feet to 10 feet located at 3700 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the off-street parking requirement from 35 spaces to 26 spaces located at 3700 Nicollet Avenue subject to the following conditions:

1. There shall be a minimum of 12 bicycle parking spaces located along Nicollet Avenue.
2. There shall be an enclosed bicycle parking area for the residents located towards the back of the building.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the size of one neighborhood serving retail sales and services use from the maximum 2,000 square feet to 2,535 square feet located at 3700 Nicollet Avenue subject to the following conditions:

1. The largest neighborhood serving retail sales and services space within the building shall not exceed 2,535 square feet.
2. If the 2,535 square foot space is utilized as a food and beverage use there shall be no more than 30 seats.

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

Department of Community Planning and Economic Development – Planning Division  
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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to increase the maximum permitted height of the wall signs from 14 feet to 16 feet located at 3700 Nicollet Avenue subject to the following conditions:

1. All of the signs shall be limited to individual letters or elements and shall be either internally or externally illuminated.

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

The Department of 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 the property located at 3700 Nicollet Avenue subject to the following conditions:

1. There shall be a minimum of 30 percent windows on the first floor of the building facing the on-site parking lot.
2. At least 30 percent of the window area in the commercial portions of the building facing the public streets shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views so as to comply with the regulations of Section 530.120 of the zoning code.
3. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
4. All site improvements shall be completed by September 22, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the preliminary plat:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the preliminary plat application for the property located at 3700 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the application to vacate all that part of the Boulevard Reserve easement as dedicated in the plat of Park Addition to Minneapolis, being a 20.00 foot strip lying south of the north line of Lot 1 as extended east, and

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lying north of the south line of Lot 6 as extended east, all according to the plat of record at the Hennepin County Records office, Minneapolis, Minnesota.

**Attachments:**

1. Preliminary Development Review report
2. Statement of proposed use and description of the project
3. Conditional use permit and variance findings
4. Preliminary Plat information
5. Vacation information
6. History of Boulevard Reserve along Nicollet Avenue from Public Works
7. August 13, 2007, e-mail to Council Member Glidden and the Kingfield Neighborhood Association
8. Kingfield Neighborhood Association materials documenting their review process of the development
9. Zoning Maps
10. Civil drawings, site plan, floor plans, elevations and perspective drawings
11. Photographs of the site and the surrounding area