

**Department of Community Planning and Economic Development – Planning Division**  
Site Plan Review  
BZZ – 3107

**Date:** August 28, 2006

**Applicant:** Dan Bartus

**Address of Property:** 4701 Nicollet Ave S

**Project Name:** 4701 Nicollet Ave Condos

**Contact Person and Phone:** Todd Knutson, 530 N 3<sup>rd</sup> St Ste 530, Minneapolis MN 55401, 612-332-8000 ext. 25

**Planning Staff and Phone:** Tara Beard, (612) 673-2351

**Date Application Deemed Complete:** June 30, 2006

**End of 60-Day Decision Period:** August 29, 2006

**End of 120-Day Decision Period:** The applicant was sent a letter on August 1, 2006 extending the decision period to October 28, 2006

**Ward:** 11      **Neighborhood Organization:** Tangletown Neighborhood Group

**Existing Zoning:** C2 Neighborhood Corridor Commercial District

**Zoning Plate Number:** 31

**Lot area:** 10,984 square feet

**Proposed Use:** Mixed-use building with 14 dwelling units and 3100 square feet of commercial space.

**Concurrent Review:**

- Conditional Use Permit to create 14 new dwelling units approved on July 31, 2006
- Site Plan Review

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits – Chapter 530 Site Plan Review

**Background:** Dan Bartus has applied for land use approvals to demolish a 1,200 square foot building at 4701 Nicollet Ave S and construct a new mixed-use building with 3100 square feet of retail on the first floor and 14 dwelling units. The existing building was historically used for automobile sales and repair

uses. The new building would be four stories high and approximately 38,110 square feet. The proposed project meets all height, setback, and parking requirements.

The project consists of one floor of underground parking for the residential users, a first floor consisting of approximately 3,100 square feet of retail space and parking, a second and third floor with 7 dwelling units each, and a fourth floor with residential common space and greenspace on the roof.

The Planning Commission approved the Conditional Use Permit on July 31, 2006, but continued the Site Plan Review to the August 28<sup>th</sup> meeting so that questions about the proposal could be asked of the applicant or his architect, whom were not present at the July 31<sup>st</sup>, 2006 public hearing. Based on some of staff's recommended conditions and the extra time, the applicant provided revised drawings of the project on August 17, 2006, which are in the attachments. Staff received written correspondence from the Tangletown Neighborhood on June 26, 2006 indicating that they had met with the applicant about the project, but did not offer an opinion on the project. Staff received a letter from a neighbor with questions and concerns about the project on July 15<sup>th</sup>, 2006 which is in the attachments.

### **SITE PLAN REVIEW**

#### **Findings as Required By the Minneapolis Zoning for Site Plan Review**

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

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

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

### **BUILDING PLACEMENT AND 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. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
  - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

    - a. Windows shall be vertical in proportion.
    - b. Windows shall be distributed in a more or less even manner.
    - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
    - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
    - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
    - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may 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.**

### **Conformance:**

- The building is placed to reinforce the street wall, and much of the street frontage is glass for visibility into the commercial spaces.
- The building is on a corner lot. The entire 47<sup>th</sup> St frontage is within 8 feet of the property line and most of the Nicollet Ave frontage is except where a greater setback is required for the first forty feet from the south because of an adjacent residential use.
- There is landscaping between the building and the property line.
- Both commercial uses and the residential use have principal entrances facing the front lot line (Nicollet Ave).
- All commercial parking will be provided in an enclosed first-floor garage. All residential parking will be provided in an underground garage.
- The building is not large, but windows and architectural details break up the building into sections.
- Blank walls exceed 25 feet on the majority of the first floor of the southern elevation and the east side of the north elevation. The elevations indicate scoring or a material change in these locations but by the due date of this report staff was unable to determine that the blank wall requirement was being met. Staff is recommending the applicant provide more windows or architectural details to meet this requirement as a condition of approval if an explanation of the existing proposal does not meet the requirement.
- Exterior materials consist of stucco and aluminum panels.
- Plain-face concrete block is not proposed as an exterior material for any of the buildings.
- Windows are required on 30% of the first floor and 10% of each floor above the first floor for two sides of the building because they face a public street. The proposed windows provided are as follows:
  - Nicollet Ave elevation
    - 1<sup>st</sup> floor: 30% required, 43% provided
    - 2<sup>nd</sup> floor: 10% required, 48% provided
    - 3<sup>rd</sup> floor: 10% required, 48% provided
    - 4<sup>th</sup> floor: 10% required, 41% provided
  - 47<sup>th</sup> St S elevation
    - 1<sup>st</sup> floor: 30% required, 26% provided
    - 2<sup>nd</sup> floor: 10% required, 29% provided
    - 3<sup>rd</sup> floor: 10% required, 29% provided
    - 4<sup>th</sup> floor: 10% required, 52% provided

Staff is recommending that the applicant be required to meet the window requirement on the first floor of the 47<sup>th</sup> St S elevation as a condition of approval.

- The windows are generally vertical in nature and are distributed in a more or less even manner.

- The roof is mainly flat which is consistent with neighboring buildings, but there is an arched roof over a portion of the building that emphasizes the residential stair and elevator tower.

**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.

**Conformance:**

- Walkways greater than 4 feet are provided to all building entrances.
- There are no transit shelters on or adjacent to the site. There is a bus stop and bench in the right of way between the building and Nicollet Ave.
- All parking would be accessed from the rear alley.
- Adjacent properties also have parking access off the alley, including residential uses. Only two residential uses would share alley directly across from the proposed building, and it is likely that all traffic leaving the building would use 47<sup>th</sup> St rather than driving south down the alley.
- All areas not needed for buildings, access, or trash and recycling, will be landscaped. Areas along the alley not needed for garage or trash access will be landscaped.

**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.

**Conformance:**

- The lot area (10,984 sq. ft.) less the building footprint (8,925 sq. ft.) yields a net site of 2,059 sq. ft. The Code requires a minimum of 412 sq. ft. of landscaping, 1 tree and 5 shrubs. The total landscaping proposed by the applicant is 1,689 sq. ft. This equals 82% of the net site. The proposed project includes 4 trees and 13 shrubs.
- No screening is required on this site.
- All areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

**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.
- 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.
- 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.

**Conformance:**

- There is no surface parking on the site.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- Headlights will not cause a problem with any nearby residential uses as all parking will be enclosed. Vehicles exiting the garage might have some impact, but the location of the garages across the alley make it unlikely.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.

- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site.

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:** The proposed use is permitted with a Conditional Use Permit in the C2 District.

**Off-Street Parking and Loading:** Chapter 541 requires not less than one parking space per dwelling unit and 4 spaces for each commercial use. There are 14 dwelling units proposed, thus 14 residential parking spaces are required. The applicant proposes 15 spaces and a bike rack in an underground parking garage. Eight commercial parking spaces are required; 7 are provided in a first floor enclosed garage. The applicant has indicated he will also provide bicycle parking either on the site or in the commercial parking garage, which would fulfill the additional space required to provide 8 parking spaces. This bicycle parking is not indicated in the plans however, which must be done as a condition of approval.

**Maximum Floor Area:** All commercial uses shall be limited to a maximum gross floor area of 30,000 square feet per use. Both proposed commercial spaces are less than 3000 square feet. The permitted Floor Area Ratio (FAR) in the C2 District is 1.7. Because the project is eligible for two 20% density bonuses because of enclosed parking and mixed-uses, they are entitled to an adjusted FAR of 2.38. The proposed building would have an FAR of 2.2.

**Building Height:** Building height, except for single and two-family dwellings and cluster developments, is limited to 4 stories or 56 feet, whichever is less, in the C2 District. The proposed dwelling units will be four stories and 48.5 feet high.

**Minimum Lot Area:** The minimum lot area in the C2 District is 5,000 square feet or 900 square feet per dwelling unit, whichever is greater. The lot area for this project is 10,984 or 785 square feet per dwelling unit (10,984 sq. ft. / 14 dwelling units). The project is eligible for two density bonuses, one for enclosed parking and one for mixed use. This decreases the minimum lot area to 540 square feet per dwelling unit (900 sq. ft. – 900(.2) – 900(.2)), bringing the proposal into compliance.

**Dwelling Units per Acre:** Proposing 14 dwelling units on 10,984 square feet of land translates to 56 dwelling units per acre.

**Yard Requirements:** The C2 District requires a front setback of 15 feet for the first 40 feet from the adjacent residential use to the south and no setback for the remainder of the Nicollet Ave frontage. The applicant has indicated a concrete walkway in the front setback along the smaller retail space that exceeds the maximum permitted width of 6 feet. Staff is recommending as a condition of approval that the walkway be no more than 6 feet wide. There is also no setback requirement for the 47<sup>th</sup> Ave frontage. There is no minimum rear yard setback for the first floor as it is a commercial use and is not directly adjacent to a residential use, but an 11 feet rear yard setback for the 2<sup>nd</sup>, 3<sup>rd</sup>, and 4<sup>th</sup> floor residential uses is required. A side yard setback to the south, adjacent to residential, is 11 feet. The proposal is meeting or exceeding all setback requirements.

**Specific Development Standards:** not applicable.

**Hours of Operation:** The commercial uses may be open to the public from 6am to 10pm Sunday through Thursday and from 6am to 11pm on Friday and Saturday. The applicant has not secured tenants yet for the commercial spaces. Future tenants must apply for a conditional use permit to extend their hours of operation if they exceed the times listed above.

**Signs:** No signs are proposed at this time. Any signs will require a sign permit and review for compliance with Chapter 543 of the zoning code.

**Refuse storage:** All storage of refuse and recyclable materials will be located inside the building and will be accessed by a garage door off the alley leading directly into the trash room.

**Minneapolis Plan:** See finding #5 in the Conditional Use Permit section.

**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.

**Conformance:** Staff has not found any conditions that would require alternative compliance. Window and blank wall conditions that are not meeting the requirements of Chapter 530 are required to be brought into compliance as a condition of approval if the Commission adopts the staff recommendation.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow 14 dwelling units at 4701 Nicollet Ave S:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 14 new dwelling units at 4701 Nicollet Ave S, subject to the following condition:

1. Preliminary Development Review must occur before final plans will be accepted.

**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 application for a Site Plan Review at 4701 Nicollet Ave S subject to the following conditions:

1. As required by section 530.120 of the zoning code, windows or architectural details will be provided on the first floors of the south and north elevations so that there are no blank, uninterrupted walls that exceed 25 feet.
2. At least 30% of the first floor elevation facing 47<sup>th</sup> St S will be windows as required by section 530.120 of the zoning code.
3. Any changes to site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.
4. Bicycle parking will be provided either in the commercial parking garage or in a yard to fulfill the parking requirements of Table 541-1 of the zoning code.
5. All walkways on the property within the required yard setback will be no more than 6 feet wide per Table 535-1 of the zoning code.
6. CPED Planning staff review and approval of the final site and landscaping plans.
7. All site improvements shall be completed by August 28, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

**Attachments:**

1. Statement of use
2. Findings
3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos