

**Department of Community Planning and Economic Development – Planning
Division**

Site Plan Review

BZZ-4894

Date: August 16, 2010

Applicant: Catalin Constantin, DDS, 4730 Chicago Avenue South, Minneapolis, MN 55407, (612) 824-4211

Addresses of Property: 4701 Nicollet Avenue

Project Name: Parkway Dental Center

Contact Person and Phone: Crockett Associates, Inc., Attn: David Crockett, 1805 3rd Avenue South #303, Minneapolis, MN 55404, (612) 845-5290

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

Date Application Deemed Complete: July 16, 2010

End of 60-Day Decision Period: September 13, 2010

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

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: C2 (Neighborhood Corridor Commercial) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 31

Lot area: 11,268 square feet or approximately .26 acres

Legal Description: Not applicable for this application

Proposed Use: Dental clinic

Concurrent Review:

- Site Plan Review application for an approximate 1,730 square foot addition to an existing structure for a new dental clinic in the C2 (Neighborhood Corridor Commercial) district.

Applicable zoning code provisions: Chapter 530 Site Plan Review.

Background: The applicant proposes to construct a 1,730 square foot, single-story addition to an existing 1,185 square foot building for a new dental clinic on the property located at 4701 Nicollet Avenue. The subject site is located at the southeast corner of Nicollet Avenue and 47th Street East. The site was formerly occupied by a service station, auto repair facility and auto sales business; the site/building has been vacant since 2005. Dental clinics are permitted uses in the C2 district. The only application needed is site plan review due to the size and location of the proposed addition.

Staff has not received any official correspondence from the Tangletown Neighborhood Association or any other neighborhood correspondence prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

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 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, windows, and active functions:**
- **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.**
 - g. **In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- **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. In**

addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

There is a required front yard setback along the west property line of 15 feet for the first 40 feet, from south to north, adjacent to the Nicollet Avenue frontage due to the adjacent residential use and the office residential zoning classification. The corner side yard setback located along the north property line adjacent to 47th Street East is zero. The interior side yard and rear yard adjacent to the south and east property lines have a setback requirement as well. The existing structure is located on the south end of the lot. The proposed addition is located approximately 3 feet from the property line along Nicollet Avenue. The building wall along 47th Street East varies from 1 foot for over half of the length of the structure and then recesses back to 17 feet at the northeast corner of the building. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance and allow the building articulation at the northeast corner of the building. The setback of the building in this location allows for additional landscaping and greenery adjacent to the East 47th Street frontage. The proposed addition orients the building toward both street frontages. Principal entries to the facility are located off of Nicollet Avenue on the west elevation and off the east elevation facing the surface parking lot. The two entrances merge into a common lobby/waiting room. The proposed addition allows for a street-oriented building alignment. The design of the addition also maximizes natural surveillance and visibility, as well as facilitates pedestrian access. The area between the building and the public streets would have new shrub and tree plantings along both street frontages.

The façade of the building along both street frontages incorporates windows that exceed the 30% window requirement. The entire west elevation along Nicollet Avenue incorporates approximately 37% windows (includes both the existing and proposed portions of the building). The entire north elevation of the building along 47th Street East incorporates 36% windows (includes both the existing and proposed portions of the building). Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets.

The east building elevations that face the on-site surface parking lot are also required to meet the 30% window requirement. The existing and proposed portions of the elevation would not meet the 30% window requirement; however, it is standard practice to only evaluate the new portion of the building. The east elevation of the proposed addition has approximately 40% windows.

The 10% window requirement on each floor above the first floor that faces the public street, public sidewalk and on-site parking lot does not apply for the proposed development.

The building complies with the active functions provision as outlined above.

The exterior materials and appearance of the rear and side walls of the proposed building would be predominantly similar to and compatible with the front of the building. With the exception of the existing south wall which is composed of glazed tile, the exterior finish on all other elevations would be stone. The proposed building incorporates architectural elements including recesses and projections, windows and entries. There are no blank uninterrupted walls that exceed 25 feet in width on any of the elevations.

There is a 9 space surface parking lot located on the east side of the site that is accessed via 47th Street East.

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.**

The principal entries are located off of Nicollet Avenue and off the east elevation adjacent to the surface parking lot. Both entrances are connected to the public sidewalk via walkways that are greater than 4 feet in width.

There are no transit shelters within the development, however, the site is located in close proximity to a bus line that runs along Nicollet Avenue.

The development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Curb cuts to the site have been minimized.

There would not be expected to be significant impacts on the adjacent residential properties in the vicinity.

There is a public alley adjacent to the site, however it will not be utilized for access to the subject site.

The site has been designed to minimize the use of impervious surfaces through the use of landscaping throughout the site as the proposal meets the 20% requirement; 57% of the total site is composed of impervious surfaces.

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.**

The proposal meets the 20% landscape requirement. The total site area is 11,268 square feet or .26 acres and the proposed building footprint on the site would be 2,907 square feet. A total of 1,672 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing 4,800 square feet or approximately 57% of the site not occupied by buildings. The zoning code requires that there be at least 4 trees and 17 shrubs. There are a total of 7 canopy trees, 5 ornamental trees, and 37 shrubs. However, Planning Staff would recommend that the applicant incorporate a broader diversity of plantings into the landscape plan. The proposal is meeting the landscape quantity requirements.

A 7-foot landscaped yard is required adjacent to 47th Street East, and a 7-foot landscaped yard and screening is required along the side (south) and rear (east) property lines. The proposal is in compliance with these requirements.

The surface parking lot also does not meet the 25 foot linear tree requirement along 47th Street East; alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision.

Additional provisions that typically pertaining to surface parking lots do not apply as the parking lot is under 10 spaces.

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.

There is a 9 space surface parking lot located on the subject site that is accessed via East 47th Street. The site has been designed to accommodate on-site retention and filtration.

Staff would not expect the proposal to result in the blocking of any significant views. The proposed structure would not be expected to have any shadowing impacts on adjacent properties, or on public spaces. The proposed structure would also not be expected to have any impacts on light, wind and air in relation to the surrounding area.

Planning Staff would expect to review a detailed lighting plan upon submission of final plans. The site has been developed in such a manner that it appears to adhere to the crime prevention standards outlined in the Zoning Code. Further, the site appears to have adequate site lighting and the majority of the window openings that are provided allow for adequate natural surveillance and visibility.

The building on the premises has been vacant since 2005. The existing structure is not historic.

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 in the C2 District.

If the site plan review application is approved, the proposal would comply with all applicable provisions of the C2 District.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 of the zoning code requires that dental clinics provide 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. The total of the building with the proposed addition would be 2,907 square feet. A minimum of 4 spaces must be provided for non-residential uses over 1,000 square feet. Therefore, a total of 4 off-street parking spaces are required for the proposed development. The applicant is proposing to provide a total of 9 off-street parking spaces on the premises which meets the minimum requirement.

Maximum automobile parking requirement: The maximum automobile parking allowed for a dental clinic is 1 space per 200 square feet of gross floor area. Based on the gross floor area of 2,907 square feet, the maximum parking requirement would be 15 off-street parking spaces. The proposal is in compliance.

Bicycle parking requirement: Chapter 541 requires a total of 3 bicycle parking spaces for dental clinics. The applicant is proposing to provide a total of 3 bicycle parking spaces on the premises. Not less than 50% of the required bicycle parking shall meet the standards for short-term bicycle parking which are as follows:

- *“Required short-term bicycle parking spaces shall be located in a convenient and visible area within fifty (50) feet of a principal entrance and shall permit the locking of the bicycle frame and one (1) wheel to the rack and shall support a bicycle in a stable position without damage to the wheels, frame or components. With the permission of the city engineer, required bicycle parking may be located in the public right-of-way. Public bicycle parking spaces may contribute to compliance with required bicycle parking when located adjacent to the property in question.”*

Loading: There is no loading requirement for dental clinics under 20,000 square feet.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The development complies with this provision as there is a dumpster enclosure located on the east side of the existing building facing the off-street surface parking lot.

Signs: The signage as proposed appears to meet the applicable standards outlined in Chapter 543 of the Zoning Code. Separate permits will need to be attained through the Zoning Office for the proposed signage.

Lighting: The applicant is proposing to install wall mounted light fixtures throughout the site. A photometric plan was not submitted as part of the application and will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

Maximum Floor Area: The maximum F.A.R. for dental clinics in the OR2 district is the gross floor area of the building which would be 2,907 square feet divided by the area of the lot which is 11,268 square feet. The outcome is .26 which is less than the maximum of 1.7 that is permitted in the C2 District. The proposal is in compliance with this requirement.

Minimum Lot Area: Not applicable for the proposed development.

Dwelling Units per Acre: Not applicable for the proposed development.

Height: Maximum building height for principal structures located in the C2 district is 4 stories or 56 feet, whichever is less. The structure as proposed is 1 story or 20 feet tall.

Yard Requirements: The required yards are as follows:

- *Front yard – Nicollet Avenue:* 15 feet for the first 40 feet, south to north
- *Corner side yard – 47th Street East:* 0 feet
- *Interior side yard/rear yard:* 5 feet

Building coverage: Not applicable for the proposed development.

Impervious surface area: Not applicable for the proposed development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an urban neighborhood, and along Nicollet Avenue which is a designated Community Corridor in this location. The site is also a block from 46th and Nicollet which is a designated neighborhood commercial node. The proposal to construct an addition to an existing structure for a new dental clinic is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2. of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.4. of The Minneapolis Plan for Sustainable Growth states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

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

There is one additional small area plan, *Nicollet Avenue: The Revitalization of Minneapolis’ Main Street*, that was adopted by the City Council in 2000. The plan identifies this specific site as a redevelopment area. The plan states: “Encourage site and design improvements of the neighborhood- serving businesses at the 47th Street node (Richfield Auto, Last Tangle). If improved site and building design cannot be achieved, redevelopment as low- to medium density residential should be considered.” The proposal to add an addition to the existing structure and completely renovate the existing structure for a new dental clinic would result in improved site and building design.

ALTERNATIVE COMPLIANCE

The Planning Commission 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.**

Alternative compliance is requested by the applicant to meet the following standard:

Building placement: The existing structure is located on the south end of the lot. The proposed addition is located approximately 3 feet from the property line along Nicollet Avenue. The building wall along 47th Street East varies from 1 foot for over half of the length of the structure and then recesses back to 17 feet at the northeast corner of the building. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance and allow the building articulation at the northeast corner of the building. The setback of the building in this

location allows for additional landscaping and greenery adjacent to the East 47th Street frontage.

□ 25 foot linear tree requirement: The surface parking lot also does not meet the 25 foot linear tree requirement along 47th Street East; alternative compliance would be necessary. Planning Staff will recommend that the Planning Commission require compliance with this provision as well.

RECOMMENDATIONS:

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 allowing for an approximate 1,730 square foot addition to an existing structure for a new dental clinic on the property located at 4701 Nicollet Avenue subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by August 16, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. All ground level windows must be transparent (non-reflective) as required by section 530.120 of the zoning code.
4. The applicant shall work with Planning Staff to incorporate a diversity of landscape materials into the final landscape plan.
5. The final landscape plan shall be modified to comply with Section 530.170 (b)(3) of the Zoning Code.

Attachments:

1. Statement of use and description
2. Correspondence
3. Zoning map
4. Plans – site survey, site plan, floor plans, elevations, landscape plans
5. Pictures of the existing conditions
6. PDR notes