

**Department of Community Planning and Economic Development—Planning Division  
Conditional Use Permit, Site Plan Review  
BZZ-1913**

**Hearing Date:** 9/13/04

**Applicant:** Patricia Fitzgerald, Master Development, 2104 4<sup>th</sup> Avenue South, Minneapolis, MN 55404

**Address of Property:** 4500, 4500½, and 4516 Chicago Avenue South

**Project Name:** 45<sup>th</sup> and Chicago Condominiums

**Contact Person and Phone:** Same as applicant

**Staff Contact Person and Phone:** J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us)

**Date Application Deemed Complete:** 7/30/04

**End of 60-Day Decision Period:** 9/29/04

**End of 120-Day Decision Period:** N/A

**Ward:** 8      **Neighborhood Organization:** Field, Regina, Northrup

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

**Zoning Plate Number:** 32

**Proposed Use:** Master Development Group has applied for a conditional use permit and site plan review to construct a 32 unit residential building for property located at 4500, 4500½ and 4516 Chicago Avenue South.

**Prior approvals:** None

**Concurrent Review:** Major Site Plan Review and conditional use permit

**Applicable zoning code provisions:** Chapter 530 Site Plan Review and Chapter 548, Commercial Districts.

**Background:** The project offers 32 units of ownership housing in a mix of one and two bedroom layouts, enclosed parking, private balconies, and private garden plots. Units facing both Chicago and 45<sup>th</sup> Street will have street level entrances consistent with the pedestrian character of the

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Minneapolis Planning Department at 612-673-2597.**

area. Attachment 4 provides a detailed description of the project and the applicant's description of the findings.

Planning staff have received no comment to date from the neighborhood groups.

## **CONDITIONAL USE PERMIT**

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

The Community Planning and Economic Development—Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

**1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Preliminary Plan Review Committee comprised of City staff reviewed the project on 8/25/04 and made no substantive changes to the project. The applicant's statement follows: "The building presents entrances on both 45<sup>th</sup> Street and Chicago Avenue, which will create positive pedestrian activity at street level on this corner. In addition, the numerous windows and balconies in this building will create more "eyes on the street" and enhance the safety and livability of the area. Replacing the existing auto repair facility on site will be an improvement to the neighborhood."

**2. 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 new high-density residential use will be compatible with the commercial uses located to the north and south of the site and with the residential uses that are located to the west. The project will have no adverse impact on the cemetery located to the east across Chicago Ave. The site is a block away from Chrysalis: A Center for Women and three blocks from the newly revitalized commercial area at 48<sup>th</sup> & Chicago. The applicant's statement follows: "Adding an attractive new building and thirty-two new homeowners will add to the stability of the neighborhood and will continue the successes of development at 45<sup>th</sup> & Chicago."

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

Adequate access roads, parking, and drainage will be provided. There is sufficient parking on site for the residents and their visitors. Access is via the alley. There is excellent bus service along Chicago with good connections including fast bus service to downtown Minneapolis and the major employers located north on Chicago Avenue such as Allina/Abbott Northwestern.

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

Adequate measures will be provided to minimize traffic congestion. The applicant's response follows: "Care was taken to minimize the impact of the additional traffic that this development will create. For instance, homeowners will enter the parking garage through the alley, and their visitors may either park at the rear of the building or on the street in front of the lobby entrance. The development encourages pedestrian activity with the many street level entrances to individual units."

**5. Is consistent with the applicable policies of the comprehensive plan.**

Applicable policies of the *Minneapolis Plan* and the City's Eight Goals:

- a. **The City's Goals (selected goal):** Increase the City's population and tax base by developing and supporting housing choices city-wide through preservation of existing housing and new construction.
- b. **The *Minneapolis Plan* (adopted by the City Council in 2000):**

**Policy 4.1: Minneapolis will grow by increasing its supply of housing.**

**Implementation Steps (selected):**

- Support the development of new medium- and high-density housing in appropriate locations throughout the City (refer to Policy 9.1).
- Support the development of infill housing on vacant lots. Use partnerships and incentives to reduce city subsidy level and duration of vacancy.

**Policy 4.2: Minneapolis will improve the availability of housing options for its residents.**

**Implementation Steps (selected):**

- Increase the variety of housing styles and affordability levels available to prospective buyers and renters.
- Provide and maintain moderate and high-density residential areas.
- Provide and maintain areas that are predominantly developed with single and two family structures.
- Promote the development of housing suitable for people and households in all life stages, and that can be adapted to accommodate changing housing needs over time.

**Policy 4.3: Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.**

**Implementation Steps (selected):**

- Maintain and strengthen the architectural character of the city's various residential neighborhoods.

**Policy 4.16: Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.**

**Implementation Steps (selected):**

- Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.
- Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)
- Promote the development of new housing that is compatible with existing development in the area as well as to existing historic or older housing stock where appropriate.
- Provide the flexibility in the City's ordinances to accommodate new housing development tailored to meet a range of different housing submarkets.

**Policy 9.1: Minneapolis will support the development of residential dwellings of appropriate form and density.**

**Implementation Steps (selected):**

- Promote the development of well designed moderate density residential dwellings adjacent to one or more of the following land use features: Growth Centers, Commercial Corridors, Community Corridors and Activity Centers.

**Policy 9.8: Minneapolis will maintain and strengthen the character of the city's various residential areas.**

**Implementation Steps (selected):**

- Infill development standards must reflect the setbacks, orientation, pattern, materials, height and scale of surrounding one and two family dwellings.
- Create traditional setbacks, orientations, pattern, height and scale of dwellings in areas where no clear architectural pattern exists.

**Policy 9.9: Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.**

**Implementation Steps (selected):**

- Require site plan review of new development or major additions to new structures (other than single family homes) on corner properties.

**Policy 9.10: Minneapolis will preserve and enhance the quality of living in residential neighborhoods, regulate structures and uses which may affect the character or desirability of residential areas, encourage a variety of dwelling types and locations and a range of population densities, and ensure amenities, including light, air, privacy and open space.**

**Implementation Steps (selected):**

- Apply the form and density approach within the context of a neighborhood or a site and within the framework of The *Minneapolis Plan* and NRP Plans when evaluating the appropriateness of development proposals for specific sites.

**Policy 9.11: Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.**

**Implementation Steps (selected):**

- Use both infill development and new development opportunities to increase housing in the city.
- Consistent with the City of Minneapolis adopted Housing Principles, develop strategies so that the variety of housing types throughout the city and its communities shall be increased, giving prospective buyers and renters greater choice in where they live.
- Develop an approach to residential development which combines housing form and housing density; for example, medium density residential development may be a townhouse development as well as a high-rise structure, while an attached dwelling form may result in a low density development or a medium density development.
- Ensure that new development projects incorporate a mix of housing types and affordability levels to reach a range of housing submarkets.

**Policy 9.12: Minneapolis will promote housing development that supports a variety of housing types at designated Major Housing Sites throughout the city.**

**Implementation Steps (selected):**

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- Develop a citywide Housing Strategy for placing medium (10-30 units per acre) to high-density (30+units per acre) new housing on major transportation and transit corridors and near commercial revitalization projects or neighborhood amenities (e.g. sites such as Growth Centers, Major Housing Sites, Commercial Corridors)
- Concentrate new housing developments in close proximity to amenities or in locations where value will be sustained over time.
- Promote the development of new housing that is compatible with existing development in the area, as well as to existing historic or older housing stock where appropriate.
- Provide the flexibility in the City's ordinances to accommodate new housing development tailored to meet a range of different housing submarkets.

**c. Petition's Consistency with City Plans and Policies:** The following describes how the petition relates to the above plans and policies and the Zoning Code:

- Consistent with the City Goals and Policies 4.1, 4.2, the project provides new home ownership possibilities in a residential area of the City and will transform an underutilized site currently used for a surface parking lot into 32 condominium units of market-rate housing.
- There is no public subsidy for the development consistent with Policy 4.1.
- This is a high-density development at 56 units per acre which, with the below-grade parking bonus, is allowable within the density limits imposed by the C2 zoning district.
- At three stories and 44 ft. in height, the design, massing, and bulk, of the project are compatible with the character of the mixed residential and commercial neighborhood consistent with Policy 9.8, 9.11, and 9.12.
- The plan designates Chicago Ave. as a Community Corridor. As such medium-to-high density housing is an appropriate use, per Policy 4.16, 9.1, and 9.12.
- The building is built up to the corner of 45<sup>th</sup> and Chicago consistent with Policy 9.9.

**6. And does in all other respects conform to the applicable regulations of the district in which it is located.**

## SITE PLAN REVIEW

### Findings as Required By the Minneapolis Zoning Code:

Section A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A below for evaluation.)

Section B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).

Section C. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

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

#### Building Placement and Facade:

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

**Planning Division Evaluation of Building Placement and Façade Requirements:**

- Consistent with the Code, the building is built up the corner of 45<sup>th</sup> and Chicago (8' and 6 1/2' setbacks respectively) with below-grade parking beneath the units and visitor parking located to the rear of the building.
- The project includes landscaping between the building and the street.
- The building has entrances on both Chicago and 45<sup>th</sup> St. consistent with the Code.
- All facades include common elements of architectural interest (porches, railings, jut-outs, etc.) and building materials (brick and stucco), and more than 30% windows on the first and other floors.

**Access and Circulation:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for on-site snow storage are provided.**
- **Site plans shall minimize the use of impervious surfaces.**

**Planning Division Evaluation of Access and Circulation:**

- All entrances are connected to the sidewalks.
- All vehicular access is via the alley.
- There are on-site areas for snow storage.
- All areas not covered by the building, parking, and walkways are landscaped in order to minimize 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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - **A decorative fence.**
  - **A masonry wall.**
  - **A hedge.**

- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

**Planning Division Evaluation of Landscaping and Screening:**

- The site (24,918 sq. ft.) less the footprint of the building (14,166 sq. ft.) equals a net site of 10,752 sq. ft. The project includes 3,908 sq. ft. of landscaping, which equals 36% of the net site.
- All required yards include more than the minimum amount of landscaping, bushes, trees, and screening.

**Additional Standards:**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**

- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Division has reviewed the plans.**
- **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 Division Evaluation of the Additional Standards:**

- The applicant will comply with the lighting requirements in the Zoning Code. No fixtures will create off-site glare.
- The 3-story height of the structure will not cause a significant blocking of important views or pedestrian-level winds, nor will the height create excessive shadowing. Morning shadows will fall predominantly in the rear yards of the residences to the west and evening shadows will fall on the cemetery to the east.
- The Police Department reviewed the site plan.
- There are no historic district issues.

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

**ZONING CODE:**

**Hours of Operation:** Hours businesses can be open to the public in the C2 District are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. through 11:00 p.m. Friday and Saturday.

Not applicable.

**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.

Trash will be enclosed in an on-site accessory building.

**Signage:** All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

The applicant has not provided a signage plan, but is aware that all new signage is required to meet the standards of the code.

## MINNEAPOLIS PLAN:

Applicable policies of the *Minneapolis Plan*: Refer to the findings above.

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

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

### **Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:**

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **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 Division Analysis Regarding Alternative Compliance:**

The site is in compliance with the Code therefore alternative compliance is not applicable.

## RECOMMENDATIONS

**Conditional Use Permit:** The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for 4500, 4500½, and 4516 Chicago Avenue South with the following condition:

1. The Community Planning and Economic Development—Planning Division shall review and approve the final site, landscape, and lighting plans.

**Site Plan Review Permit:** The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review permit application for 4500, 4500½, and 4516 Chicago Avenue South with the following conditions:

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1. The Community Planning and Economic Development—Planning Division shall review and approve the final site, landscape, and lighting plans.
2. If the site improvements exceed \$2,000 in value, the applicant shall submit a performance bond for these improvements prior to the issuance of building permits.
3. The site improvements shall be completed by September 30, 2005 or the application may be revoked for noncompliance, unless extended by the Zoning Administrator or the City Council.

**ATTACHMENTS**

- 1) Letter from the neighborhood group.
- 2) Site and zoning map.
- 3) Site plan, floor plans, and elevations
- 4) Information from the applicant
- 5) Photos of the site and surrounding area
- 6) Zoning data sheet