

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variance, Site Plan Review  
BZZ-2102

**Date:** December 13, 2004

**Applicant:** Jim Dowds

**Address of Property:** 3310 & 3314 Nicollet Avenue and 15 33<sup>rd</sup> Street West

**Project Name:** 3310 Nicollet Condominiums

**Contact Person and Phone:** Sashi Suri, 612/677-7173

**Planning Staff and Phone:** Fred Neet, 612/673-3242

**Date Application Deemed Complete:** October 26, 2004

**End of 60-Day Decision Period:** December 25, 2004

**End of 120-Day Decision Period:** February 23, 2005

**Ward:** 10      **Neighborhood Organization:** Lyndale Neighborhood Association

**Existing Zoning:** R6 Multiple Family District

**Zoning Plate Number:** 25

**Proposed Use:** residential building including 35 dwelling units and underground parking

**Concurrent Review: Conditional Use Permit** for 35 dwelling units

**Variances** to reduce the front yard setback to 15 feet from 28 feet (established by the apartment building to the south) and the rear yard from 11 feet to 1 foot

**Site plan review** for 35 dwelling units

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, Specifically Section 525.520(1) “to vary the yard requirements, including permitted obstructions into required yards not allowed by the applicable regulations.”; and Chapter 530 Site Plan Review.

**Background:** The developer, in collaboration with Lyndale Neighborhood Development Corporation, proposed to construct a 35-unit condominium building on two lots, totaling 19,273 square feet owned by the City at 3310-14 Nicollet Avenue. All parking shall be underground, accessed from 33<sup>rd</sup> Street West. The access requires demolition of the single-family home now owned by the developer. The access will also provide access to the duplex to the north, allowing closure of the driveway from Nicollet Avenue. The City requests that 70% of the units be

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affordable to buyers below 70% of the area median income (AMI). The developer, however, continues to seek the resources to provide 20% of the units to families below 50% of AMI. 5 one-bedroom units could be priced at \$160,000. 30 two-bedroom units could sell for \$210,000. Unit sizes average 774 and 1046 square feet, respectively. “9 units will be in perpetual affordability in Habitat for Humanity and City of Lakes Land trust.”

The 33<sup>rd</sup> Street access was recommended by the neighborhood association due to alley congestion. As a corollary, the YMCA to the west is considering closing its curb cut on 33<sup>rd</sup> Street to address after-hour problems in its parking lot, and which could also benefit the apartment building adjacent to the 33<sup>rd</sup> Street curb cut.

Nicollet Avenue is a Community Corridor south of Lake Street which encourages higher-density residential, transit-oriented, and pedestrian-friendly uses. Lake Street, 3 blocks north, is a Commercial Corridor. 3 Activity Centers, one Growth Center, and 2 Neighborhood Commercial Nodes are within ½ mile. Nicollet Avenue provides bus service about every 10 minutes most of the day, and 15-30 minute headways before 6 a.m. and after 10 p.m. Such transit service qualifies the 3310 Nicollet Condominiums project to a 10% reduction in parking requirements.

**Findings 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 proposed development is on two vacant lots. 35 dwelling units are appropriate on a major transit route and where the R6 zoning district permits 48 units. With all parking below grade and accessed from lightly-traveled 33<sup>rd</sup> Street, parking and traffic congestion is minimized. New construction should improve the area, and no adverse effects are indicated.

**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.**

New construction should improve the area, and no adverse effects are indicated.

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

The Public Works Department has reviewed the proposal and indicated no adverse effects.

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

Provision of all parking within the building and below grade, plus access from 33<sup>rd</sup> Street and storage for 30 bicycles reduce the potential of traffic congestion.

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

- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- 4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets 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.
- 4.9 Minneapolis will grow by increasing its supply of housing.
- 4.10 Minneapolis will increase its housing that is affordable to low and moderate income households.
- 4.11 Minneapolis will improve the availability of housing options for its residents.
- 4.12 Minneapolis will reasonably accommodate the housing needs of all of its citizens.
- 4.15 Minneapolis will carefully identify project sites where housing redevelopment or housing revitalization are the appropriate responses to neighborhood conditions and market demand.
- 4.17 Minneapolis will encourage both a density and mix of land uses ... that both support ridership for transit as well as benefit from its users.
- 4.18 Minneapolis will maintain and strengthen the character of the city's various residential areas.
- 9.5 Minneapolis will support the development of residential dwellings of appropriate form and density.
- 9.8 Minneapolis will maintain and strengthen the character of the city's various residential areas.
- 9.22 Minneapolis will promote increased housing production in designated areas of the City in order to accommodate population growth.

**Required Findings for Variances:**

- a) to reduce the front yard setback from 28 feet (established by the residence to the south) to 15 feet;
- b) to reduce the rear yard from 11 feet to 1 foot.

**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.**

- a) R6 zoning requires a 15-foot front yard, which is proposed. A 28-foot yard as established by the residence to the south would be excessive for a 35-unit structure, yet medium-density residential development is the most reasonable use for the site.
- b) The one-foot variance accommodates a covered entry to a parking garage which is otherwise a permitted obstruction. Only because the covered entry is attached to the principal structure is an 11-foot setback required, but detaching the entry would be an undue hardship.

**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.**

- a) The apartment building to the south has a 28-foot front yard setback, the duplex to the north has a 20-foot 10-inch front yard but its north neighbor (7 condominiums) has a 6-foot front yard. The district requirement otherwise is 15 feet, which the development meets.

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b) The parcel as proposed is L-shaped to accommodate vehicular access from 33<sup>rd</sup> Street to the north. The L-shape, however, is created by the developer.

**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.**

a) The spirit, intent, and letter of the ordinance is generally a 15-foot front yard in R6 districts. The condominiums on the corner to the north, with a 6-foot front yard, already interrupt the streetscape with the effect that new construction with a 15-foot front yard has no ill effects.

b) The one-foot rear setback is permitted except for attachment to the principal structure with an 11-foot setback. It is along an alley, across from which is a continuous parking lot.

**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.**

a) The 15-foot front yard variance has no effect on these factors, and have been reviewed by the Public Works and Fire Departments which had no comments.

b) The one-foot rear yard setback will actually decrease street congestion overall, has no effect on the other factors, and have been reviewed by the Public Works and Fire Departments which had no comments.

**Required Findings for Major Site Plan Review**

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

**B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**

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

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

**BUILDING PLACEMENT AND FAÇADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). 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.**

Building placement meets the zoning code requirement of 15 feet from the front lot line, with ample windows and walkways. Front, side, and rear yards are extensively landscaped. The principal pedestrian and guest entrance is on Nicollet Avenue. The brick and stucco building is articulated and includes terraces and balconies. With some variation, about 50% of the front and sides is fenestrated, less along the alley which oversees a parking lot. The parking garage on site is below grade.

#### **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.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The walkway is provided, but pedestrian access to underground parking is internal. Vehicular access is from 33<sup>rd</sup> Street and shared with all residential properties on the block to the north. Snow is removed from the site as needed. The building's perimeter is 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 shall be landscaped as specified in section 530.150 (a).**

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- 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.
- 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.

Over 38% of the net site is landscaped, all in accordance with regulations. Parking is below grade and includes parking for 30 bicycles.

**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.**

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- **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.**

Lighting and parking and loading facilities comply. Viewsheds, shadowing, and wind generation are not affected. The developer has adopted the recommendations from the Police Department.

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

**ZONING CODE:**

**Specific Development Standards:**

**Section 536, Specific Development Standards, requires the premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing litter.**

**Hours of Operation:** the use is residential.

**Dumpster screening:** refuse is stored inside until collected.

**Window obstructions:**

**543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.**

Not applicable.

**Signage:** not applicable.

**MINNEAPOLIS PLAN:** see page 3, finding number 5 under the conditional use permit of this report.

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

The site plan conforms to the comprehensive plan and the zoning code.

