

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-5510

Date: April 23, 2012

Applicant: Diamond Lake Development LLC

Address of Property: 5422-5426 Nicollet Avenue

Project Name: Nicollet Avenue Apartments

Contact Person and Phone: Todd Mohagen, Mohagen Hansen Architectural Group (952) 426-7400

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: March 30, 2012

End of 60-Day Decision Period: May 29, 2012

Ward: 11 **Neighborhood Organization:** Tangletown

Existing Zoning: C1 Neighborhood Commercial District and AP Airport Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 37

Legal Description: Not applicable for this application

Proposed Use: Mixed use building with ground floor commercial and 45 dwelling units

Concurrent Review:

- Conditional use permit to increase the maximum height from 3 stories to 4 stories and from 42 feet to 45 feet.
- Variance to reduce the minimum lot area requirement by 15.5 percent.
- Variance to increase the maximum height of building signage from 14 feet to 16 feet above the adjacent grade.
- Site plan review to allow a mixed use building with 45 dwelling units.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX Variances, specifically section 525.520 (2) “To vary the lot area or lot width requirements up to thirty (30) percent, except for the following uses, where the maximum variance of thirty (30) percent shall not apply” and (21) “To vary the number, type, height, area or location of allowed signs

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on property located in an OR2 or OR3 District or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs”; and Chapter 530 Site Plan Review.

Background: The subject site, located at 5422-5426 Nicollet Avenue, is located north of the intersection of Nicollet Avenue and Diamond Lake Road. Two non-residential structures used for a contractor’s office currently occupy the site. The rest of the site is paved. The existing buildings will be demolished. The properties are not locally-designated historic landmarks; however, the applicant has not obtained a Historic Review Letter from CPED in order to determine whether or not the structures are historic resources that may be eligible for local historic designation.

The applicant is proposing to construct a mixed use building with 45 dwelling units and ground floor retail. Two levels of enclosed parking are proposed. A shared driveway is proposed on the north side of the building. The property to the north is occupied by a fire station. The applicant is working with the Minneapolis Finance & Property Services Department on an access easement. At this time, no issues have been identified with the shared driveway proposal that Planning staff is aware of.

For the proposed development, the following applications are required:

- The maximum height allowed in the C1 district is 3 stories or 42 feet, whichever is less. The height is determined by the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building adjacent to Nicollet Avenue to the top of the highest point of the building, but excluding parapets that are less than 3 feet in height. The proposed height is 4 stories and 47 feet including a one to two-foot tall parapet. A conditional use permit is required to increase the maximum height of the building. Upon approval of the conditional use permit, the action must be recorded with Hennepin County as required by state law.
- The minimum lot area requirement in the C1 district is 700 square feet per dwelling unit, or 31,500 square feet for 45 units. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the gross floor area of the ground floor to commercial uses. With the density bonuses, the minimum lot size requirement is reduced to 524.8 square feet per unit, or approximately 23,616 square feet for 45 units. The proposed lot area per dwelling unit is 443.2 square feet. A variance is required to reduce the minimum lot area requirement by 15.5 percent.
- Wall signage is proposed on the Nicollet Avenue building elevation. The signage would be located up to 16 feet above the adjacent grade. In the C1 district, the maximum allowed height of signs is 14 feet above the adjacent grade. A variance is required to increase the maximum allowed sign height.
- Site plan review is required for any new mixed use building and for any development with five or more dwelling units.

As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward any comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to increase the maximum allowed height from 3 stories to 4 stories and from 42 feet to 45 feet.

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.

Construction of a mixed use building of four stories that is 45 feet in height at the roof on this site would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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 proposed height should have little effect on surrounding properties. There is a mix of residential and commercial uses in the immediate area. The nearest properties to the subject site include a fire station to the north, an automobile convenience store to the south and a multiple-family residence to the west of the site. Commercial uses are located to the east across Nicollet Avenue. In the immediate area, the scale of surrounding buildings also varies in size from small one-story buildings to larger 3 to 4-story buildings. The multiple-family building located directly west of the site is a larger 3-story building. The proposed building would be located more than 30 feet from the adjacent residential structure. Shadow studies submitted by the applicant show that the building would not completely shadow any other property throughout the day and shadowing of the adjacent residential property would only occur for a short period of time in the early morning.

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

The site is served by existing infrastructure. Vehicle access would be from Nicollet Avenue through a shared driveway. The applicant is in the process of working out an access easement agreement with the Minneapolis Finance & Property Services Department. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The proposed residential use will comply with all minimum vehicle, bicycle and loading requirements. The applicant is proposing to provide twice as many bicycle spaces than is required.

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Minimum parking, bicycle and loading requirements for the nonresidential uses will be met as well. The increased height would not have an effect on congestion in the streets.

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

In *The Minneapolis Plan for Sustainable Growth*, the future land use designation of this site is mixed use. The site is adjacent to Nicollet Avenue, which is designated as a community corridor. It is also within the Diamond Lake Road and Nicollet Avenue neighborhood commercial node. The proposed height would be consistent with the applicable principles and policies of the comprehensive plan including the following:

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

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.

Urban Design Policy 10.6: New multi-family development or renovation should be designed in terms of traditional urban building form with pedestrian scale design features at the street level.

10.6.1 Design buildings to fulfill light, privacy, and view requirements for the subject building as well as for adjacent properties by building within required setbacks.

6. And does, in all other respects, conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The proposed development will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, variances, and site plan review.

ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT

1. Access to light and air of surrounding properties.

The increase in height would have little effect on the access to light and air of surrounding properties. The building would be located over 30 feet from the adjacent residential property to the west and over 20 feet from the adjacent fire station building to the north. It is separated from properties to the east by Nicollet Avenue.

2. Shadowing of residential properties, significant public spaces, or existing solar energy systems.

The applicant has provided shadow studies, which are attached to this report. Shadowing of the adjacent residential property to the west would only occur for a short period of time in the early morning. There are not any existing significant public spaces directly adjacent to the site. Staff is not aware of any existing solar energy systems that would be affected by shadowing.

3. The scale and character of surrounding uses.

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In the immediate area, the scale of surrounding buildings varies in size from small one-story buildings to larger 3 to 4-story buildings. The multiple-family building located directly west of the site is a larger 3-story building. The nonresidential buildings located directly north and south of the site are one story. Buildings directly across Nicollet Avenue are one to three stories in height.

4. Preservation of views of landmark buildings, significant open spaces or water bodies.

The building should not significantly block views of landmark buildings, significant open spaces, or bodies of water.

VARIANCE: To reduce the minimum lot area requirement by 15.5 percent.

Findings as required by the Minneapolis Zoning Code:

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Because the development qualifies for two density bonuses, the minimum lot size requirement is 524.8 square feet per unit, or approximately 23,616 square feet for 45 units. The proposed lot area per dwelling unit is 443.2 square feet. The applicant is requesting the variance to allow 7 additional units. The subject site is located within a neighborhood commercial node. The comprehensive plan supports medium to high-density (up to 120 dwelling units per acre) in neighborhood commercial nodes. The proposed density is 98.3 dwelling units per acre. Two properties within one block of the site, including the adjacent residential property to the west, are located in the R6 Multiple-family zoning district. The base density allowed in the R6 district is 109 dwelling units per acre.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

Lot area requirements are established to ensure compatibility with surrounding uses. The size of the building will not exceed the maximum allowed gross floor area. The applicant will provide vehicle and bicycle parking in excess of the required minimum amount. The increased density is requested within a neighborhood commercial node where high density residential development is appropriate. For these reasons, the request is reasonable and is in keeping with the spirit and intent of the ordinance and the comprehensive plan.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

There is a mix of residential and commercial uses in the immediate area. Around the commercial node, the existing zoning allows for high density residential development. The size of the building will not exceed the maximum allowed gross floor area. The applicant will provide vehicle and

bicycle parking in excess of the required minimum amount. Granting of the variance should have little effect on surrounding properties and would not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

VARIANCE: To increase the maximum height of building signage from 14 feet to 16 feet above the adjacent grade.

Findings as required by the Minneapolis Zoning Code:

- 1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.**

In the C1 district, the maximum allowed height of building signage is 14 feet above the adjacent grade. Where proposed on the south end of the building wall facing Nicollet Avenue, the signage would be located up to 16 feet above the adjacent grade. Along Nicollet Avenue, the grade slopes down approximately 4 feet from north to south. The proposed height of the first story is 11 feet 8 inches as measured between the upper surface of the first floor and the upper surface of the second floor. The signage is proposed on the south end of the building where its illumination will have little affect on the residential uses located in the upper floors. If nonresidential uses were located above the first floor, the maximum allowed sign height would be 28 feet.

- 2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Regulations governing on-premise signs are established to allow effective signage appropriate to the planned character of each zoning district, to promote an attractive environment by minimizing visual clutter and confusion, to minimize adverse effects on nearby property, and to protect the public health, safety and welfare. The C1 Neighborhood Commercial District is established to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. Comprehensive plan policies are also aligned with the purpose of these regulations. The request to increase the height of the sign is due to the grade change from the north to south end of the site. It would not block any second floor windows. Granting the variance would be in keeping with the spirit and intent of the ordinance and comprehensive plan.

- 3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

The site is located in a neighborhood commercial node. The proposed sign height would not be out of character with other nonresidential signs in the immediate area. The signage is proposed to be placed on a parapet wall that also partly serves as a roof deck railing for a second floor dwelling unit. Granting the variance should not have any affect on residential uses. It would not be

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detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

Additional Findings Required by the Minneapolis Zoning Code for a Sign Variance:

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

The C1 Neighborhood Commercial District is established to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. In addition to commercial uses, residential uses, institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed. The request to increase the height of the site is due to the grade change from the north to south end of the site. Granting the variance would not lead to sign clutter in the area or result in a sign that is inconsistent with the C1 district.

- 2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.**

Because the commercial tenant is unknown at this time, specific sign details are yet to be determined. The applicant has indicated that signage will be internally illuminated. The signage is proposed on the south end of the building where its illumination will have little affect on the residential uses located in the upper floors and where its location will tie in with the architectural character of the building.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code for the 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 the 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.

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- 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 530.120 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

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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.

Conformance with above requirements:

- The first floor of the building would be located within 8 feet of the lot line adjacent to Nicollet Avenue.
- Between the building and Nicollet Avenue, landscape planters, benches, bicycle parking and concrete paving that would provide additional sidewalk width is proposed.
- Principal entrances for the residential and nonresidential uses would face the street.
- All parking would be enclosed within the building.
- The building would include recesses and projections and other architectural elements, such as windows and balconies, to divide the building into smaller identifiable sections.
- There would not be any blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length on the east, north and south sides of levels two through four and on the east side of level one. Part of the west wall of floors one through four and the north and south walls of level one would contain blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length. Alternative compliance is requested for these walls.
- The primary exterior materials would be durable and include nichiha fiber cement panels, metal, and glass. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- All sides of the building would be similar to and compatible with each other.
- Plain face concrete block would not be used as a primary exterior building material on a wall fronting a street.
- The principal entrances would be recessed, surrounded by windows and sheltered to emphasize their importance.
- The first floor wall facing Nicollet Avenue is subject to the 30 percent window requirement. Measured between two and 10 feet above the adjacent grade, 74 percent of the first floor wall would be windows. Windows would be vertical in proportion and distributed in a more or less even manner. All windows would be within four feet of the adjacent grade. The plans do not indicate if the glass will be clear or lightly tinted with a visible light transmittance ratio of 0.6 or greater. This information will need to be included on the final plans. Because the commercial tenant is not known at this time, floor plans showing tenant layout is not available. Individual tenants cannot block required windows with shelving, mechanical equipment or other similar fixtures between the height of four and seven feet above the adjacent grade. Fixture locations will need to be shown on building permit plans for the tenant build-out.
- Each wall above the first floor facing Nicollet Avenue is subject to the 10 percent window requirement. The amount of windows proposed on each of the upper walls would be 20 percent or more. Windows on these levels would be vertical in proportion and distributed in a more or less even manner.
- More than 70 percent of the linear frontage of the ground floor building wall facing Nicollet Avenue would accommodate spaces with active functions.
- A flat roof is proposed on the building. Most buildings in the immediate area have flat roofs.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**

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- 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 with above requirements:

- Well-lit walkways 4 feet in width or greater would connect the public sidewalk to the main entrances.
- Transit shelters are not proposed as part of the development.
- Vehicle access would be from a shared 23-foot wide curb cut on Nicollet Avenue. With the construction of the project, one existing 21 foot wide curb cut will be eliminated and the existing curb cut at the north end of the site will be narrowed by two feet. Circulation would occur on-site. A residential property abuts the subject site to the west. The access and circulation would be located where it will have the least amount of conflict with pedestrian traffic and surrounding residential properties.
- The site is not adjacent to a public alley.
- All parking would be enclosed in the building. The amount of impervious surface proposed for the driveway is not excessive.

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.

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Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is approximately 19,943 square feet. The building footprint would be approximately 16,208 square feet. The lot area minus the building footprint therefore consists of approximately 3,735 square feet. At least 20 percent of the net site area (747 square feet) must be landscaped. Approximately 1,308 square feet of the site would be landscaped. That is equal to 35 percent of the net lot area.
- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 and 8 respectively. Three canopy trees and 39 shrubs are proposed on-site.
- The remainder of the landscaped area would be covered with plants perennials, ornamental grasses, and vines.

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.

Conformance with above requirements:

- The driveway would be defined by six-inch by six-inch continuous concrete curbing. The building and driveway would occupy most of the site. The landscaped area proposed at the rear of the property would accommodate the existing grade change. With the grade change, little on-site retention and filtration of stormwater would occur.
- The proposed building should not impede views of important elements of the city.
- The applicant submitted a shadow study that is attached to this report. To the extent practical, the building would be located and arranged to minimize shadowing on public spaces and adjacent properties.
- The building is designed with recesses and projections to minimize the generation of wind currents at the ground level.
- The development includes some environmental design elements to prevent crime. To allow natural surveillance and visibility of Nicollet Avenue, windows exceeding the minimum requirements adjacent to active spaces would be provided on all levels. An abundant amount of windows would also be provided on the upper floors of the other elevations. Both principal entrances would face Nicollet Avenue with direct access to the sidewalk. Lighting would be provided on the east, west

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and north sides of the building. The applicant will need to provide a plan that shows that lighting levels will not create glare or excessive lighting of the site.

- The existing structures are not locally designated. The applicant has not obtained a Historic Review Letter from CPED in order to determine whether or not the structures are a historic resource that may be eligible for local historic designation.

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 site is zoned C1 with the AP Overlay District. A multiple family dwelling with 5 or more units is a permitted use in the C1 district. The commercial use will most likely be a general retail sales and services use, which is also permitted.

Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for a multiple family dwelling with 5 or more units is one space per dwelling unit. With 45 dwellings proposed, at least 45 spaces are required. The minimum parking requirement for a general retail sales and services use is one space per 500 square feet of gross floor area (GFA) in excess of 4,000 square feet, but not less than 4 spaces. The proposed retail space is 3,220 square feet in area; therefore at least 4 spaces are required. The total minimum parking requirement is 49 spaces. A total of 58 spaces would be provided in the enclosed parking garage. For the parking spaces proposed, at least 2 must be accessible. Three accessible spaces would be provided. Not more than 25 percent of the required spaces can be compact spaces. In other words, at least 37 spaces must comply with the dimensions required for standard spaces. Forty-six standard sized spaces would be provided.

Maximum automobile parking requirement: There is not a maximum parking requirement for residential uses in the C1 district when all parking is enclosed. The maximum parking requirement for a retail sales and services use is one space per 200 square feet of gross floor area. With a floor area of 3,220 square feet, the maximum parking requirement is 16 spaces. The number of spaces proposed for the retail use would not exceed 16 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement for a multiple family dwelling is equal to one space per two dwelling units. Not less than 90 percent of the required bicycle parking must meet the standards for long term parking. All required bicycle parking spaces must be accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, required long-term bicycle parking spaces must be located in enclosed and secured or supervised areas providing protection from theft, vandalism and weather and shall be accessible to intended users. Required long-term bicycle parking for residential uses shall not be located within dwelling units or within deck or patio areas accessory to dwelling units. The total minimum requirement is 22 spaces, of which at least 20 must meet the long-term parking requirements. The applicant would provide 46 long-term spaces.

For the general retail sales and services use, the minimum requirement is 3 spaces or 1 space per 5,000 square feet of gross floor area, whichever is greater. The proposed retail space is less than 5,000 square feet in area; therefore 3 spaces are required. Not less than 50 percent of the required bicycle parking must meet the standards for short-term parking. All required bicycle parking spaces must be

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accessible without moving another bicycle and its placement shall not result in a bicycle obstructing a required walkway. Bicycle racks shall be installed to the manufacturer's specifications, including the minimum recommended distance from other structures. In addition, short term spaces must be located in a convenient and visible area within 50 feet of a principal entrance and must permit the locking of the bicycle frame and one wheel to the rack and must support a bicycle in a stable position without damage to the wheels, frame or components. Required spaces that are not short-term need to comply with the long-term requirements. The applicant would provide 3 short-term spaces.

Loading: A loading space is not required for multi-family dwellings with less than 100 units. For general retail sales and services uses with less than 20,000 square feet of gross floor area, adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot is required. Parking in excess of the minimum parking requirement would be available to accommodate a shipping and receiving area.

Proposed Lot Area: The proposed lot area is 19,943 square feet.

Maximum Floor Area: The maximum FAR allowed in the C1 district is 1.7. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the ground floor gross floor area to commercial uses. Therefore the maximum FAR is increased to 2.38. The building would have a total of approximately 47,133 square feet, which is an FAR of approximately 2.36.

The maximum allowed floor area of retail sales and services uses is 8,000 square feet when located in a multi-story building with no parking located between the building and the street. The proposed retail space would be 3,220 square feet.

Minimum Lot Area: The minimum lot area requirement in the C1 district is 700 square feet per dwelling unit, or 31,500 square feet for 45 units. The development qualifies for two density bonuses for enclosing all required residential parking spaces and for devoting at least 50 percent of the ground floor to commercial uses. With the density bonuses, the minimum lot size requirement is reduced to 524.8 square feet per unit, or approximately 23,616 square feet for 45 units. The proposed lot area per dwelling unit is 443.2 square feet. A variance is required to reduce the minimum lot area requirement by 15.5 percent.

Dwelling Units per Acre: The applicant proposes a density of 98.3 dwelling units per acre.

Building Height: The maximum height allowed in the C1 district is 2.5 stories or 35 feet, whichever is less. With the density bonus for devoting at least 50 percent of the ground floor to commercial uses, the maximum height is increased to 3 stories or 42 feet, whichever is less. The height is determined by the vertical distance from the natural grade measured at a point 10 feet away from the front center of the building adjacent to Nicollet Avenue to the top of the highest point of the building, but excluding parapets that are less than 3 feet in height. The proposed height is 4 stories and 47 feet including a one to two-foot tall parapet. A conditional use permit is required to increase the maximum height.

Yard Requirements: In the C1 district, yards are required when adjacent to a residential or office residential district or a permitted or conditional use and where residential uses contain windows facing an interior side or rear lot line.

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The rear lot line is adjacent to property located in a residence district with a conditional residential use. A yard equal to the minimum side yard that would be required for a conditional use on the abutting residential lot is required to be provided along the rear lot line. The minimum rear yard requirement for conditional uses in the R6 district is five feet plus two feet for each story above the first floor. With a proposed height of four stories, the minimum rear yard requirement is 11 feet. The building would be set back 11 feet from the rear lot line.

Residential windows would face both side lot lines. Where a residential uses containing windows face an interior side yard, an interior side yard of at least five feet plus two feet for each story above the first floor, but not to exceed 15 feet if no other yard requirements apply, is required. For a four-story building, the minimum interior side yard requirement is 11 feet. Where the residential use would contain windows facing the interior side lot line, the walls would be set back 11 feet.

Specific Development Standards: Not applicable.

AP Airport Overlay District Standards: Construction of new multiple-family dwellings in blocks that have received noise attenuation pursuant to the Consent Decree or which are between structures which have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission are required to install central air conditioning or mechanical ventilation throughout the habitable portions of the structure. HVAC units are proposed for each dwelling unit.

Signs: Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. A 70 square foot wall sign is proposed on the Nicollet Avenue elevation, which is a primary building wall. It would be internally illuminated and placed 16 feet above the adjacent grade. In the C1 district, up to 1.5 square feet of signage for every one foot of primary building wall is allowed when there is no freestanding sign on the same zoning lot. The width of the building wall facing Nicollet Avenue is 84 feet; therefore a total of 126 square feet of signage is allowed on that building wall. Also in the C1 district, individual wall signs are limited to a maximum of 45 square feet in area, can be placed up to 14 feet above the adjacent grade, and can be internally or externally lit, but not backlit. A variance is required to allow signage to be located more than 14 feet above the adjacent grade. Although the sign area indicated on the plan is more that what is allowed for an individual sign, the applicant has indicated that the signage that will be installed will comply with the size requirements. Any new signage will require Zoning Office review, approval, and permits.

Refuse Screening: Refuse storage containers would be stored in the building.

Screening of Mechanical Equipment: All mechanical equipment is required to be arranged so as to minimize visual impact by using screening and must comply with Chapter 535 and district requirements including:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1) of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

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- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

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MINNEAPOLIS PLAN: In addition to the principals and policies identified in the conditional use permit section of this staff report, the following also apply:

Chapter 1. Land Use

Policy 1.3: Ensure that development plans incorporate appropriate transportation access and facilities, particularly for bicycle, pedestrian, and transit.

- 1.3.1 Require safe, convenient, and direct pedestrian connections between principal building entrances and the public right-of-way in all new development and, where practical, in conjunction with renovation and expansion of existing buildings.
- 1.3.2 Ensure the provision of high quality transit, bicycle, and pedestrian access to and within designated land use features.

Policy 1.4: 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.

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.
- 1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.
- 1.4.4 Continue to encourage principles of traditional urban design including site layout that screens off-street parking and loading, buildings that reinforce the street wall, principal entrances that face the public sidewalks, and windows that provide “eyes on the street”.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- 1.9.6 Promote more intensive residential development along Community Corridors near intersections with Neighborhood Commercial Nodes and other locations where it is compatible with existing character.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.2 Support the continued presence of small-scale, neighborhood-serving retail and commercial services in Neighborhood Commercial Nodes.
- 1.11.5 Encourage the development of medium- to high-density housing where appropriate within the boundaries of Neighborhood Commercial Nodes, preferably in mixed use buildings with commercial uses on the ground floor.

Chapter 3. Housing

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Policy 3.1: Grow by increasing the supply of housing.

3.1.1 Support the development of new medium- and high-density housing in appropriate locations throughout the city.

Policy 3.2: Support housing density in locations that are well connected by transit, and are close to commercial, cultural and natural amenities.

3.2.1 Encourage and support housing development along commercial and community corridors, and in and near growth centers, activity centers, retail centers, transit station areas, and neighborhood commercial nodes.

Chapter 10. Urban Design

Policy 10.9: Support urban design standards that emphasize traditional urban form with pedestrian scale design features at the street level in mixed-use and transit-oriented development.

10.9.1 Encourage both mixed-use buildings and a mix of uses in separate buildings where appropriate.

10.9.2 Promote building and site design that delineates between public and private spaces.

10.9.4 Coordinate site designs and public right-of-way improvements to provide adequate sidewalk space for pedestrian movement, street trees, landscaping, street furniture, sidewalk cafes and other elements of active pedestrian areas.

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

10.10.1 Enhance the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality four season public spaces and infrastructure.

10.10.4 Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

10.10.6 Require storefront window transparency to assure both natural surveillance and an inviting pedestrian experience.

Policy 10.17: Provide sufficient lighting to reflect community character, provide a comfortable environment in a northern city and promote environmentally friendly lighting systems.

10.17.5 Integrate exterior building lighting design to attune with building designs and landscaping.

10.17.6 Provide sufficient lighting for better way-finding and safe circulation within and around a development.

10.17.7 Encourage additional pedestrian-scale, exterior lighting in growth centers, activity centers, commercial nodes, pedestrian overlay districts and transit station areas.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.6 The ground floor of parking structures should be designed with active uses along the street walls except where frontage is needed to provide for vehicular and pedestrian access.

10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and

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screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

Nicollet Avenue: The Revitalization of Minneapolis' Main Street

Adopted by the City Council in 2000, the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* small area plan has general policies that support commercial and residential development near the intersection of Diamond Lake Road and Nicollet Avenue. It reinforces concentrating commercial development in well-defined commercial nodes and encourages redevelopment that includes housing to increase the range of housing options and to create 24-hour activity along Nicollet Avenue. The plan provides the specific policy guidance for properties at this intersection:

- Encourage commercial development between 54th and Diamond Lake Road which incorporates urban design and pedestrian-friendly elements
- Support and invest in commercial development at Diamond Lake Road in order to capitalize on north and south bound access to 35W and improved access to Minnehaha Parkway

The plan also “envisions Nicollet as a grand urban corridor along which urban design and streetscape improvements attract pedestrians and contribute to commercial vitality” and includes the following applicable recommendations:

- Encourage a pedestrian-friendly environment along the entire stretch of Nicollet Avenue, but focus streetscape, building design and maintenance, and site design and maintenance investments (public and private) at commercial nodes. New streetscape plans along Nicollet should consider existing streetscape elements but design should be allowed to vary according to different needs and character along the avenue.
- Consider alternative ways to “green” the avenue including installation of flower boxes and hanging planters

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.

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

Blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length

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The west wall of floors one through four and the north and south walls of level one would contain blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural elements that exceed 25 feet in length.

- *West wall, floors two through four:* The blank walls on these floors are 26 feet wide and are adjacent to a utility room and staircase. Although this wall is not subject to the minimum window requirements, the applicant is proposing windows that would cover almost 19 percent of each wall. The alternative meets the intent of the ordinance, creates visual interest and considers the security of the surrounding area. For these reasons, staff is recommending that the planning commission grant alternative compliance.
- *West wall, floor one:* This blank wall would be 52.5 feet wide and would be adjacent to a staircase, trash/recycling room and parking spaces. Landscaping would be provided between the building and the adjacent residential property to the west. With the exception of two canopy trees, the landscaping would not be more than 6 feet in height. The first story is almost 12 feet tall. Staff is recommending that alternative compliance be granted if the planning commission requires the applicant to provide additional columnar landscaping next to this wall.
- *North wall, floor one:* Two spans of wall just over 25 feet in width would not contain sufficient architectural detail. The enclosed parking area is adjacent to the blank wall. Between the residential lobby and the garage entrance, windows have been incorporated to break up the wall. The spacing of the windows aligns with the pattern of windows above. The fire station building to the north minimizes visibility of the north wall from Nicollet Avenue. For these reasons, staff is recommending that the planning commission grant alternative compliance.
- *South wall, floor one:* The south first floor wall would be setback 8 inches from the south lot line. Part of the wall would be adjacent to the automobile convenience store, which is also built up to the shared lot line. To the east of the automobile convenience store, the wall would be blank for 80 feet. The applicant is proposing to install metal framing, 12 feet high by 52 feet wide, for vines to grow on. The alternative creates visual interest and would cover the majority of the wall; therefore staff is recommending that the planning commission grant alternative compliance. To the west of the automobile convenience store, the wall would be blank for 29 feet. This wall would have limited visibility from Nicollet Avenue and adjacent properties because it would be located behind the refuse storage area for the adjacent automobile convenience facility and there is a 6-foot high solid wood fence located between the automobile convenience facility and the residential property to the west. For these reasons, staff is recommending that the planning commission grant alternative compliance.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to increase the maximum building height from 3 stories to 4 stories and from 42 feet to 45 feet for the property located at 5422-5426 Nicollet Avenue, subject to the following condition:

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1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce the minimum lot area requirement by 15.5 percent located at the property located at 5422-5426 Nicollet Avenue.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the maximum height of building signage from 14 feet to 16 feet above the adjacent grade located at the property located at 5422-5426 Nicollet Avenue.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review for a new mixed use building with 45 dwelling units located at the property located at 5422-5426 Nicollet Avenue, subject to the following conditions:

1. Additional columnar landscaping shall be provided along the west wall to minimize effects of blank, uninterrupted walls exceeding 25 feet in length that do not include architectural elements as required by section 530.120 of the zoning code.
2. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, floor, site, lighting and landscape plans.
3. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 23, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) PDR report
- 2) Applicant's statement of proposed use and responses to findings
- 3) Zoning map
- 4) Plans

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- 5) Shadow studies
- 6) Renderings
- 7) Photos