

Department of Community Planning and Economic Development – Planning Division
Site Plan Review
BZZ – 5802

Date: November 13, 2012

Applicant: Kingfield AV, LLC

Address of Property: 8 West 43rd Street

Project Name: Professional Law Office

Contact Person and Phone: Laurel Ulland, Laurel Ulland Architecture (612) 874-1086

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

Date Application Deemed Complete: October 17, 2012

End of 60-Day Decision Period: December 16, 2012

Ward: 11 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 31

Legal Description: Not applicable

Proposed Use: Offices

Concurrent Review: Site plan review.

Applicable zoning code provisions: Chapter 530, Site Plan Review.

Background: The applicant proposes to build an approximately 1,665 square foot second story addition to expand the existing office building located at 8 West 43rd Street. Site plan review is required for any non-residential building that would increase its gross floor area by 1,000 square feet or more. As of the writing of this staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

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.
- 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.

CPED Planning Division Report
BZZ – 5802

- 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 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 is built up to the front lot line adjacent to West 43rd Street.
- The principal entrance faces West 43rd Street and will remain.
- No parking is located on the site.
- There would not be any blank, uninterrupted walls on the addition that do not include windows, entries, recesses or projections, or other architectural elements exceeding 25 feet in length.
- The primary exterior materials of the addition would be metal siding and glass. For reference, the applicant has provided images of the proposed type of metal siding that would be used. The images are attached to this report. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.
- The exterior materials and appearance of all sides of the addition would be similar and compatible with the front of the addition. The primary exterior materials on the existing building are brick and glass on the front façade and concrete masonry units on the side and rear facades. Although the addition doesn't emulate the existing building, the modern design and placement of the addition used to distinguish it from the existing building doesn't detract from the character of the front of the existing building.
- Plain face concrete block is not a material proposed for the addition.
- The entrance is recessed and surrounded by windows to emphasize its importance.
- The south wall of the addition would face West 43rd Street and is subject to the 10 percent minimum window requirement, which is 60.2 square feet. Approximately 11 percent of the wall would be windows (please note that windows in doors are not included).
- The required windows would be distributed in a more or less even manner, but some would not be vertical in proportion. Alternative compliance is requested for this requirement.
- The roof of the addition would be flat. The existing roof is flat. Most of the nonresidential buildings in the immediate area also 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.
- 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:

- The entrance connects directly to the West 43rd Street public sidewalk and is well-lit.
- A transit shelter is not proposed or adjacent to the site.
- No surface parking would be located on the site.
- The amount of impervious surface on the site will be significantly reduced.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year.
- Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings to be landscaped. The lot area of the site is 3,839 square feet. The existing building and the addition

would occupy 2,418 square feet of the site. The lot area minus the building footprint therefore consists of 1,421 square feet. At least 20 percent of the net site area is 284.2 square feet. Approximately 851 square feet of the site would be landscaped. That is equal to 60 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 1 and 3 respectively. One canopy tree and 13 shrubs are proposed. The remainder of the landscaped area would be covered with ornamental trees, coniferous plants, perennials and native grasses.
- Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

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:

- No surface parking would be located on the site.
- The addition would not impede any views of important elements of the city, significantly shadow the adjacent streets or properties or increase the generation of wind currents at ground level.
- The site includes crime prevention design elements. The applicant is proposing to install windows in previously filled in openings on the existing building. Windows are also proposed on the north side of the addition. Pedestrian level lighting is located on the West 43rd Street side of the building. Fencing would be used to delineate between public and private spaces.
- The existing structure on the site is not historic.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The property of 8 West 43rd Street is zoned C2. Offices are a permitted use in the C2 district.

Proposed Lot Area: The proposed lot area is 3,839 square feet.

Off-Street Parking and Loading:

Minimum automobile parking requirement: The minimum parking requirement for an office is one space per 500 square feet of gross floor area in excess of 4,000 square feet or 4 spaces, whichever is greater. The proposed gross floor area is 3,721 square feet. Therefore the minimum parking requirement is 4 spaces. No on-site parking that complies with minimum parking space and drive aisle dimensions required by the zoning code exists on the site. No on-site parking is proposed. The zoning code allows an exception for structures built before 1963 that can't comply with the current minimum parking requirements. Provided there is not an intensification or change of use, the parking requirements do not apply. The proposed addition would not increase the minimum parking requirement.

Maximum automobile parking requirement: The maximum parking requirement for an office is one space per 200 square feet of gross floor area. With a proposed gross floor area of 3,721 square feet, the total maximum parking requirement is 19 spaces.

Bicycle parking requirement: The minimum bicycle parking requirement for an office is 3 spaces or 1 space per 15,000 square feet of gross floor area, whichever is greater. Therefore the minimum requirement is 3 spaces. At least 50 percent of the required spaces must be short-term spaces as defined by section 541.180 of the zoning code. The proposed addition will not increase the bicycle parking requirement and the building was established before the requirement took effect. However, the applicant is proposed to provide two short-term bicycle parking spaces located in the West 43rd Street public right-of-way.

Loading: Because the proposed office use would occupy less than 10,000 square feet of 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. The site has access to the adjacent alley.

Maximum Floor Area: The maximum FAR allowed in the C2 district is 1.7. The maximum floor area of any commercial use is limited to 30,000 square feet. The building would have a total of 3,721 square feet, which is an FAR of 0.97.

Minimum Lot Area: Not applicable.

Building Height: In the C2 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The proposed height of the building is two stories and 28 feet to the roof deck of the addition.

Yard Requirements: Not applicable for this property.

Building Coverage: Not applicable.

Impervious Surface: Not applicable.

Specific Development Standards: Not applicable for this use.

Refuse screening: Refuse and recycling storage containers are required to be enclosed on all four sides

CPED Planning Division Report
BZZ – 5802

by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse container would be located behind the building. The applicant is proposing a new 6 foot tall metal wall to screen the container from the residential uses located across the alley.

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.

Signs: Signs are regulated by Chapter 543 On-Premise Signs in the zoning code. The applicant has indicated that no exterior signage is proposed; however, the business name will be located on glass in the entry vestibule. Window signs are allowed, provided that such signage does not exceed 30 percent of the window area, whether attached to the window or not, and cannot block views into and out of the building in the area between four and seven feet above the adjacent grade. Window signs are included in the calculation of the total permitted building sign area. If any exterior signage is proposed at a later date, the signage requires Zoning Office review, approval, and permits.

Fence: Fences are regulated by Chapter 535, Article VI of the zoning code. A black 6-foot high fence is proposed adjacent to the alley and an 8-foot high green wall/fence is proposed around the ground-level patio and deck. For reference, the applicant has provided example green wall images that are attached to this report to illustrate the proposed green wall concept. Fences are allowed to be up to 8 feet in height, provided they are not located in a required yard and are set back at least 5 feet from a lot line adjacent to a public street right-of-way. The proposed fence heights would comply with the location requirements.

MINNEAPOLIS PLAN: The proposed expansion would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. The future land use of the site is designated as mixed use. The site is located in the 43rd Street & Nicollet Avenue commercial node. Nicollet Avenue is designated as a community corridor. Applicable principals and policies of the comprehensive plan include the following:

Land Use 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.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

Land Use 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.

1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.

Urban Design 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.

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 standard:

Required windows shall be vertical in proportion

The south wall of the addition would face West 43rd Street and is subject to the 10 percent minimum window requirement, which is 60.2 square feet. Approximately 11 percent of the wall would be windows. However, some of the windows used to meet the minimum requirement would not be vertical in proportion. The horizontal windows are located where they would overlook the roof of the existing

CPED Planning Division Report
BZZ – 5802

building. The amount of windows on the first floor building wall facing West 43rd Street exceeds 40 percent of the façade. For these reasons, staff is recommending that the planning commission grant alternative compliance to allow some of the windows to be oriented horizontally.

RECOMMENDATION

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow a building addition for the property located at 8 West 43rd Street, subject to the following conditions:

1. Department of Community Planning and Economic Development– Planning Division staff review and approval of the final site, landscaping, building elevations, and floor plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by November 13, 2014, or the permit may be revoked for non-compliance.

Attachments:

1. PDR comments
2. Applicant statement of use
3. Zoning map
4. Plans
5. Photos
6. Applicant’s examples of proposed metal exterior material
7. Applicant’s examples of green screens