

**LAND USE APPLICATION SUMMARY**

*Property Location:* 31 Island Avenue West  
*Project Name:* 31 Island Avenue West  
*Prepared By:* Mei-Ling Smith, Senior City Planner, (612) 673-5342  
*Applicant:* Teri Miska  
*Project Contact:* Bob Roscoe  
*Request:* To install a 140 square foot rooftop enclosure at the rear of an existing three-story building.

*Required Applications:*

<b>Conditional Use Permit</b>	To increase the maximum permitted height from 35 feet to 45 feet in the SH Shoreland Overlay District and MR Mississippi River Critical Area Overlay District to allow a rooftop enclosure at the rear of the existing three-story building.
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**SITE DATA**

<b>Existing Zoning</b>	R4 Multiple-Family District MR Mississippi River Critical Area Overlay District SH Shoreland Overlay District
<b>Lot Area</b>	20,037 square feet / 0.46 acres
<b>Ward(s)</b>	3
<b>Neighborhood(s)</b>	Nicollet Island – East Bank Neighborhood Association; adjacent to North Loop Neighborhood Association
<b>Designated Future Land Use</b>	Urban Neighborhood
<b>Land Use Features</b>	Not applicable
<b>Small Area Plan(s)</b>	<u>Nicollet Island – East Bank Small Area Plan (2014)</u>

<b>Date Application Deemed Complete</b>	July 5, 2016	<b>Date Extension Letter Sent</b>	Not applicable
<b>End of 60-Day Decision Period</b>	September 20, 2016	<b>End of 120-Day Decision Period</b>	Not applicable

**BACKGROUND**

**SITE DESCRIPTION AND PRESENT USE.** The subject property is a condominium unit within a 12-unit multifamily building that was constructed in 1984. The existing structure is three stories tall, or approximately 43.5 feet at its tallest point. The primary roofline of the building is 38.5 feet, including the parapet. The existing residential building contains two other rooftop enclosures and three roof decks. The primary exterior material of the building is Hardiboard cementitious lap siding, which was installed in 2004. The 20,037 square foot site also contains two detached garages to the rear of the property.

**SURROUNDING PROPERTIES AND NEIGHBORHOOD.** There are railroad tracks directly to the north of the site, and the Mississippi River is directly to the west. The surrounding area contains low-density and multifamily dwellings, as well as a high school.

**PROJECT DESCRIPTION.** The applicant is proposing to install a 140-square-foot (9 feet, 8 inches by 14 feet, 6 inches) rooftop enclosure above their third floor unit. The enclosure would contain a new spiral stairway connecting the unit to the roof; currently the rooftop is accessed through a roof hatch in the kitchen, and the roof hatch would be replaced with a hip-roof style skylight. A section of the wrought iron rail along the roof deck on the rear side of the building would be removed to accommodate the proposed enclosure.

The proposed enclosure would extend approximately 10 feet above the roofline, but would be partially blocked by the parapet on the south (side) elevation so only the top six feet of the enclosure would be visible off-site. The enclosure would have a shed roof with a two-inch slope and a cornice. The dimensions of the Hardiboard cementitious lap siding would be consistent with the materials on the existing building. The color of the enclosure would match that of the existing structure, as conditioned by the Heritage Preservation Commission’s prior approval for the project.

A conditional use permit is required to increase the maximum height of a structure above 2.5 stories or 35 feet, whichever is less, in the both the SH Shoreland Overlay District and the MR Mississippi River Critical Area Overlay District. As discussed above, the existing building is approximately 43.5 feet in height at its tallest point, and the rooftop enclosure would make the building 44.5 feet tall.

**RELATED APPROVALS.** The proposed rooftop enclosure was approved, with conditions, by the Heritage Preservation Commission on June 7, 2016.

Planning Case #	Application	Description	Action
BZH-29045	Certificate of Appropriateness	To allow the installation of a 140-square-foot rooftop enclosure at the rear of an existing, noncontributing building in the Saint Anthony Falls Historic District.	HPC approved on June 7, 2016

**PUBLIC COMMENTS.** The Nicollet-Island–East Bank Neighborhood Association (NIEBA) has submitted a letter of support of the application. Any additional correspondence received prior to the public meeting will be forwarded on to the Planning Commission for consideration.

## ANALYSIS

### CONDITIONAL USE PERMIT

The Department of Community Planning and Economic Development has analyzed the application to increase the maximum permitted height from 35 feet to 45 feet in the SH Shoreland Overlay District and MR Mississippi River Critical Area Overlay District to allow a rooftop enclosure at the rear of the existing three-story building based on the following findings:

1. *The establishment, maintenance or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.*

The maximum allowed height of a structure in the SH district is 2.5 stories or 35 feet, whichever is less. The applicant's proposal would increase the existing building's height from 43.5 feet to 44.5 feet. There are other rooftop enclosures located on the structure that are similar in size, character, and scale to the proposed enclosure. Provided that the enclosure is built in compliance with all applicable building codes and life safety ordinances, staff finds that the increase in height to allow the equipment shelter would not be detrimental to or endanger the public health, safety, comfort, or general welfare.

2. *The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.*

The purpose of the rooftop enclosure is to allow the property owner to safely access the roof from the dwelling unit, which is currently accessed via a roof hatch in the kitchen. The rooftop addition would be located along the rear wall rather than along the primary street-facing elevation. The height of the addition would extend 10 feet above the roof line and it would not be visible from the public street as viewed from the front of the building. The enclosure would also be partially blocked by the building itself, which contains a parapet along the south side of the building. As a result, the enclosure would only project a total of six feet above the wall from the south elevation, which is partially visible from the public street.

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

The site is served by existing infrastructure. The applicant will be required to work with the Plan Review section of CPED to ensure that all procedures are followed in order to comply with all applicable building codes and life safety ordinances. Increasing the maximum allowed height of a building from 35 feet to 45 feet, or one foot above the existing building height, would not have an impact on utilities, access roads, or drainage.

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

The 140-square-foot rooftop enclosure would not have an impact on traffic congestion in the public streets. There is adequate parking on the site serving the existing building.

5. *The conditional use is consistent with the applicable policies of the comprehensive plan.*

The proposed development would be consistent with the following general land use policies of *The Minneapolis Plan for Sustainable Growth*:

**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 10.8: Strengthen the character and desirability of the city's urban neighborhood residential areas while accommodating reinvestment through infill development.**

- 10.8.1 Infill development shall reflect the setbacks, orientation, pattern, materials, height and scale of surrounding dwellings.

- 6. *The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.*

If the requested land use applications are approved, the proposal will comply with all provisions of the R4, MR, and SH Districts.

**Additional Standards to Increase Maximum Height**

In addition to the conditional use permit standards, the Planning Commission shall consider, but not be limited to, the following factors when determining the maximum height of principal structures in commercial districts:

- 1. *Access to light and air of surrounding properties.*

The height of the existing flat-roof building is 43.5 feet in height. The enclosure itself is approximately 10 feet in height (or six feet above the roofline) and is not expected to have any effect on surrounding properties' access to light and air.

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

The nearest solar energy system is located at I De LaSalle Drive, which is approximately 920 feet to the southeast of the building. Staff finds that the conditional use would not result in the shadowing of residential properties, significant public spaces, or existing solar energy systems.

- 3. *The scale and character of surrounding uses.*

The maximum height for a structure in the SH and MR districts is 2.5 stories, or 35 feet, whichever is less. The proposed enclosure would increase the building's height from 43.5 feet to 44.5 feet. The two adjacent residential buildings are two and four stories, respectively. The proposed rooftop enclosure would be consistent with the scale and character of surrounding uses. The project would be required to comply with the conditions of approval related to the roof style, exterior siding, and exterior color as approved by the Minneapolis Heritage Preservation Commission.

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

Allowing an increase in height from the permitted 35 feet to 45 feet, a one-foot increase above the existing height of 43.5 feet, to allow a rooftop enclosure would not result in significantly blocking views of landmark buildings, significant open spaces, or bodies of water. The river to the west of the site would not be impacted by the conditional use.

**Additional Standards for Conditional Use Permits within the SH Shoreland Overlay District**

In addition, the Planning Commission shall consider, but not be limited to, the following factors when considering conditional use permit or variance requests within the SH Shoreland Overlay District:

1. *The prevention of soil erosion or other possible pollution of public waters, both during and after construction.*

There are no public waters within or abutting the subject site. The proposed development will occur on the existing building's roof and will not disturb any site area. The applicant will be required to comply with all applicable City regulations during construction.

2. *Limiting the visibility of structures and other development from protected waters.*

The proposed enclosure would have limited visibility from the Mississippi River, which is located approximately 200 feet to the west of the subject site. There are several existing mature trees in along the river that help to limit the visibility of the building.

3. *The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.*

This standard is not applicable for the proposed development.

**RECOMMENDATIONS**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application by Bob Roscoe for the property located at 31 Island Avenue West:

**A. Conditional Use Permit.**

Recommended motion: **Approve** the application for a conditional use permit to increase the height of the building in the SH Shoreland Overlay District and the MR Mississippi River Critical Area Overlay District from 35 feet to 45 feet, subject to the following conditions:

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 two years of approval.
2. Approval of the final floor and elevation plans by CPED.
3. All site improvements shall be completed by August 1, 2018, unless extended by the zoning administrator, or the permit may be revoked for non-compliance.

**ATTACHMENTS**

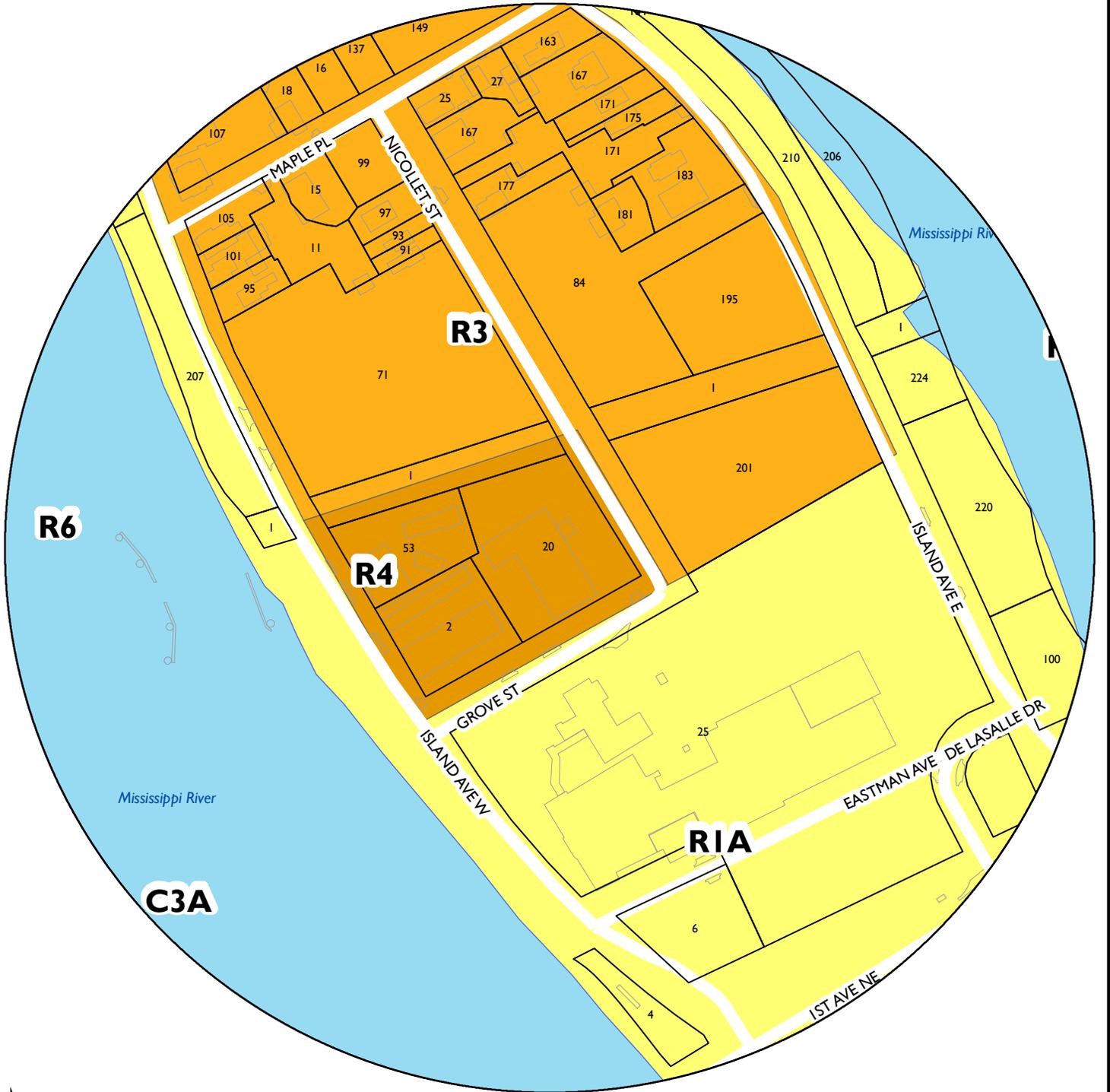
1. Zoning map
2. Oblique aerial photo
3. Written description and findings submitted by applicant
4. Plans
5. Building elevations
6. Photos
7. Letter from NIEBA

Teri Miska

3rd

NAME OF APPLICANT

WARD



PROPERTY ADDRESS  
**31 W Island Ave**

FILE NUMBER  
**BZZ-7764**



Design For Preservation  
1401 East River Parkway Minneapolis, MN  
612-317-0989 bobroscoe@me.com

June 7, 2016

Application for Site Review for Conditional Use Permit  
31 West Island Avenue Condominiums  
Nicollet Island, Saint Anthony Falls Historic District  
Minneapolis, Minnesota

**Project Description:**

41-45 West Island Avenue Condominiums is a 12 unit residential structure, 3 stories in height, wood frame construction, on a flat .46 acre site. The site also contains two garage structures, 8 and 4 parking stalls each. The property is located on Nicollet Island in the Saint Anthony Falls Historic District.

The principal structure, the subject of this application, was built in 1980, designed by architect Brooks Cavin, very highly regarded at the time for his work in Minnesota historic preservation, reviewed and approved for building permit by the Minneapolis Heritage Preservation Commission. The building apparently has experienced no significant alterations in its 31 year history.

The flat roofed building is clad in Hardi fiber-reinforced cementitious smooth-faced lap siding, installed approximately ten years ago, with double-hung windows in nearly regular spacing, capped at its main façade with a shake mansard-type roof, which returns along both side walls for 7 feet, abutting siding-clad chimney features. Two mansard-roofed entries leading to wood steps are located on the main façade. Those entries and steps, mansard parapet, and chimneys constitute the building's architectural features. A non-descript concrete front quasi-courtyard extends between the entries and terminates at the public sidewalk. At one side and in the rear of the main building, asphalt driveways extend to the garage fronts.

The proposed architectural work constitute minor alterations to building elements in public view, nevertheless provide an architectural change intended to provide a sense of articulation to the façade which complements the historic architectural features of the nearby buildings. However, proposed architectural features intend to acknowledge the Italianate style, which was current in the 1870s era in which these places were built, while avoiding particular historical replication.

The proposed changes are:

- Construction of a roof top spiral stairway from Main floor of unit to rooftop, enclosed by a greenhouse type structure 8'-8" by 12'-8", with 5'-6" high side walls, and ridge height at 8'-9"

- A three riser narrow accessory wood stairway at roof deck (out of view) would be revised.
- A section of rear wrought iron type railing will be removed where the rear wall of the new enclosure will be built. However, the simple design of the existing railing is typical to most other similar railings used throughout all residential areas of the city, and has no character-defining elements that would constitute a loss to the historic integrity of the building.
- Replacement of an existing skylight at the roof over the Kitchen area

In general, these proposed changes improve the building's architectural character to make it more in keeping with the definitive architecture of nearby buildings which characterize the historic appearance of Nicollet Island.

**Applicable interim ordinances:** none

**Site Plan information, Photographs:** See enclosed.

**Conditional Use Permit:**

1. The architectural form of proposed alteration is compatible with the building's existing architecture and its remote location on the roof will support the period of significance for which the building has been designated not be detrimental to or endanger the public health, safety, comfort or general welfare of the site and surrounding vicinity. Its visible structure is located at the rear of the building and comprises 2.25 % of the south elevation, which is an insignificant factor. More specifically, the alteration will not be visible from a straight-on view of the entire building from West Island Avenue. Its only public view, from West Island Avenue, is from a sharply oblique view over the roofs of adjacent garages at Grove Street Flats. The rear elevation inside the property provides the only view of the new structure from one viewpoint near the south property boundary at the corner of a garage structure.
2. The proposed Conditional Use for the proposed alteration will not be injurious to the uses and enjoyment of other property in the vicinity, and will not impede the normal and orderly development and improvement of the surrounding property uses permitted in the district.
3. Adequate existing utilities, access roads, drainage necessary facilities or other measures will not in any way be affected.
4. The proposed improvement will not in any way affect public traffic in the public street.
5. The proposed Conditional for this proposed structure and its use is in conformance with applicable policies in the city's Comprehensive Plan.
6. The proposed Conditional Use will fully conform to the applicable regulations in this district, including Heritage Preservation.

**Increasing Maximum Height in Shoreline and Residential District**

1. The existing building's height does not exceed the stipulated maximum height which has been recognized as permitted, and the

proposed new structure's diminutive size with its roof height equivalent to other existing service structures rising above the general roof. Given this situation, the proposed structure will have no effect on access to light and air of surrounding properties.

2. The roof top location of the proposed structure and its south location will not in any way cause shadowing on adjacent properties or public spaces. There are no solar energy systems anywhere near this proposed location.
3. The extremely minimal physical size of this structure will have virtually no effect on the scale and character of surrounding uses and aesthetic character.
4. The preservation of views of landmark buildings and open spaces will not be affected in any way.

### **Shoreline Overlay District or Mississippi River Critical Area Overlay District**

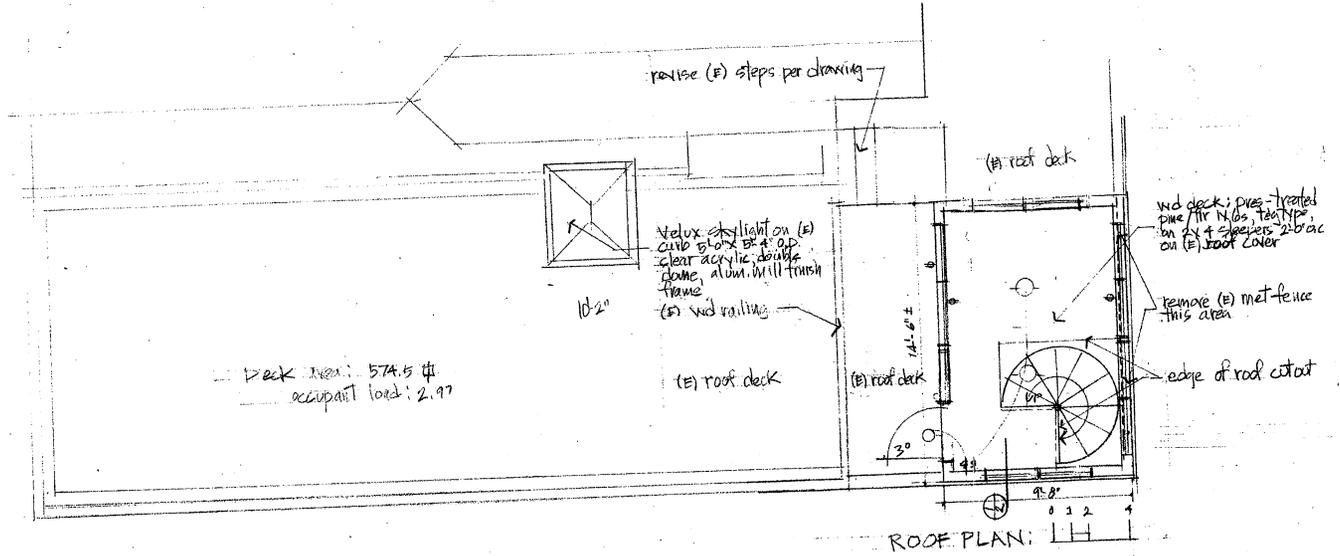
#### **Variance:**

1. Soil erosion prevention is not applicable for this application.
2. Limiting the visibility of structures is not applicable for this application.
3. The suitability of the protected water watercraft issues is not applicable for this application

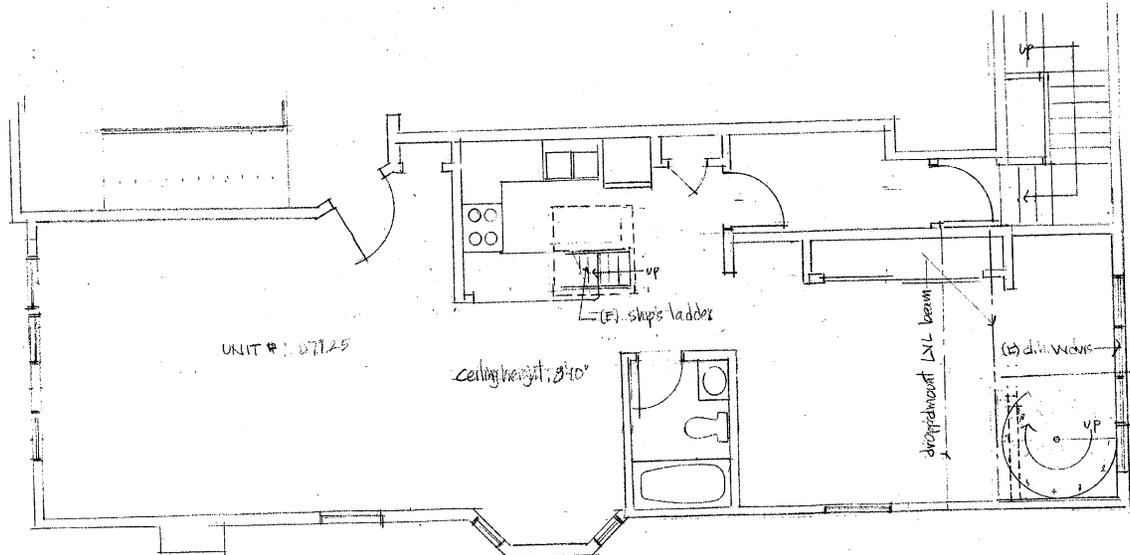


**General Construction Notes:**

1. Verify plan dimensions with field measurements
2. Plan dimensions extend from outside face of framing or exterior wall to centerline of interior partitions or to ends of stub walls unless otherwise noted.
3. New exterior wall construction: 2X6 studs @ 1'-4" o.c., 1/2" OSB sheathing, asphaltic sheet barrier or Tyvec, 1/2" gypsum board with 6 mil vapor barrier.
4. New roof framing at enclosure: 2x8 rafters @ 2'-0" o.c.; slope roof framing per plan notes for drainage; install metal termination strips at roof edge integrated with fascia
5. Roof shall be EPDM membrane, single sheet
6. Numbers at window locations on plan refer to glass size for Marvin units: double-hung, clad, single pane glazing; door shall be aluminum combination type with enamel finish
7. New siding, trim: fiber-reinforced cementitious, satin finish Hardipanel type.
8. Spiral stairway: Satter or approved equal with standard treads, steel railing with baluster pockets, curved railing with balusters per code requirements. Perform cut out in existing roof framing with structural header framing. Install with bottom steel plate 1/2" thick steel plate 20" x 20". Stairway shall be IBC compliant
9. Door and window rough openings shall be dimensioned per door and window manufacturers' data for rough openings. Windows shall be double hung type, wood clad, single glazing.
10. Skylight: Velux hip type double glazed, set on existing curb. See plan references. Revise curb as required for selected skylight unit.
11. Paint: Benjamin Moore or approved equal, water-based enamel, satin finish. Selected color shall be slightly darker than existing siding on main body of building.
12. No plumbing, heating, air conditioning shall be part of this project
13. Install electrical receptacles and lighting fixtures per plan references. Provide owner with \$300 lighting fixture allowance; wiring materials and labor shall be included in base price. Install waterproof receptacles, lighting fixture at exterior.
14. The project shall be reviewed and approved by the Minneapolis Heritage Preservation Commission (HPC) as part of building permit review and approval process. The plans will be reviewed by HPC staff for conformance before formal submission to HPC. Contractor involvement will not be required for any HPC review.

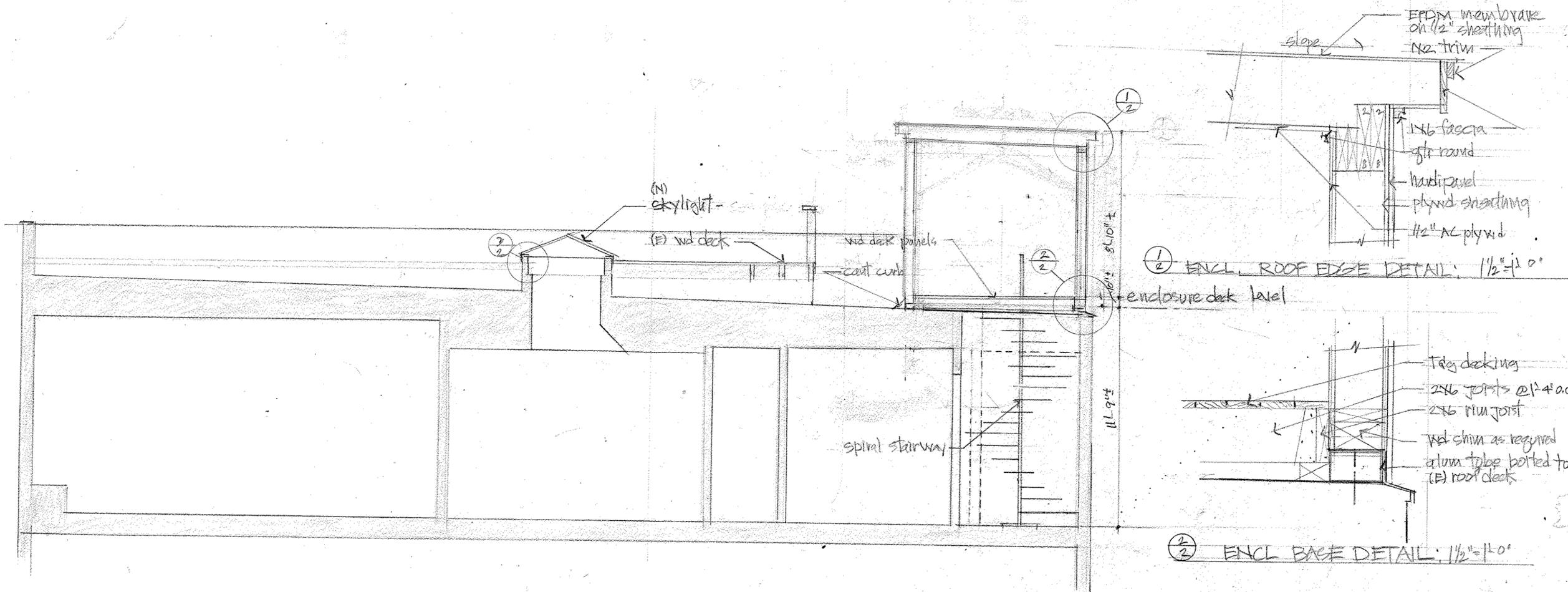


JAN 29, 2016  
FEB 10, 2016



Teri Miska Condominium  
31 West Nicollet Island Avenue  
Minneapolis, Minnesota

Robert Roscoe  
Design for Preservation  
1401 East River Parkway  
Minneapolis, Minnesota 55414  
612-317-0989



**General Construction Notes:**

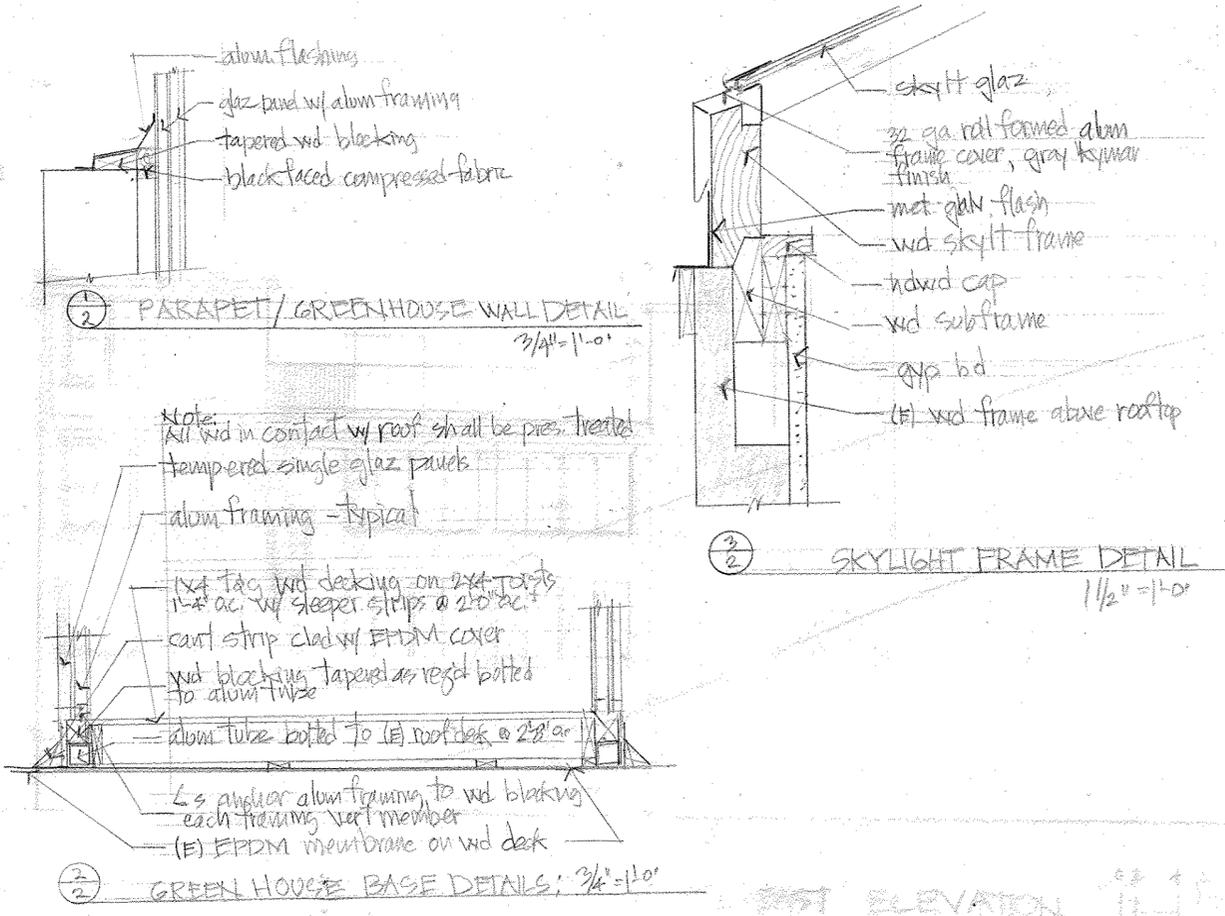
**Enclosure**

1. Wall framing: 2x6 wood framing with 1/2" plywood exterior sheathing; roof shall be 2x8 rafters sloped to drain; 1/2" plywood AC grade interior sheathing as finish surfaces. Window opening headers shall be 2x2x8 beams.
2. Provide built-up curb on existing roof deck per Section and details. Base curb shall be 6x4 laid flat with 2x6 wood base plate.
3. Floor: 2x6 wood joists 1'-4" o.c. supported from existing roof deck with preserve treated furring: see details. Decking shall be 1x4 t&g fir members.
4. Roof cut out for spiral stairway: 24" LPI beams connected to existing framing with galvanized metal framing anchors.
5. Spiral stairway: Salter R-311.10.1 or approved equal with standard treads, steel railing with baluster pockets, curved railing with balusters per code requirements. Perform cut out in existing roof framing with structural wood header framing. Install with bottom steel plate 1/2" thick steel plate 20" x 20". Stairway fabrication and installation shall be IBC compliant.
6. Windows: Integrity Ultrex double hung type, black sash and frames: see plans for window sizes
7. Sliding glass door: install Integrity Ultrex IFSPD51068XO per manufacturer's instructions
8. Painting, varnish: Apply primer coat and at least one finish coat Benjamin Moore or approved equal to all exposed wood surfaces except interior plywood, which shall be polyurethane, 2 coats satin finish. Exterior wood finish color shall match existing wood siding. Wood decking: polyurethane, 2 coats satin finish.
9. No plumbing, heating, air conditioning shall be part of this project
10. Install electrical receptacles and lighting fixtures per plan references. Provide owner with \$300 lighting fixture allowance; wiring materials and labor shall be included in base price. Install waterproof receptacles, lighting fixture at exterior.
11. Revise existing wood steps leading to main deck as required.
12. The project shall be reviewed and approved by the Minneapolis Heritage Preservation Commission (HPC) as part of building permit review and approval process. The plans will be reviewed by HPC staff for conformance before formal submission to HPC. Contractor involvement will not be required for any HPC review.

**Replacement Skylight over Kitchen:**

1. Velux CM Pyramid type, with factory flashing, black metal exposed exterior surfaces; install in strict accordance with manufacturer's instructions.
2. Revise existing opening as required for structural and watertight integrity as well as complementing existing light well surfaces.

**BUILDING SECTION: 0 1 2 4**

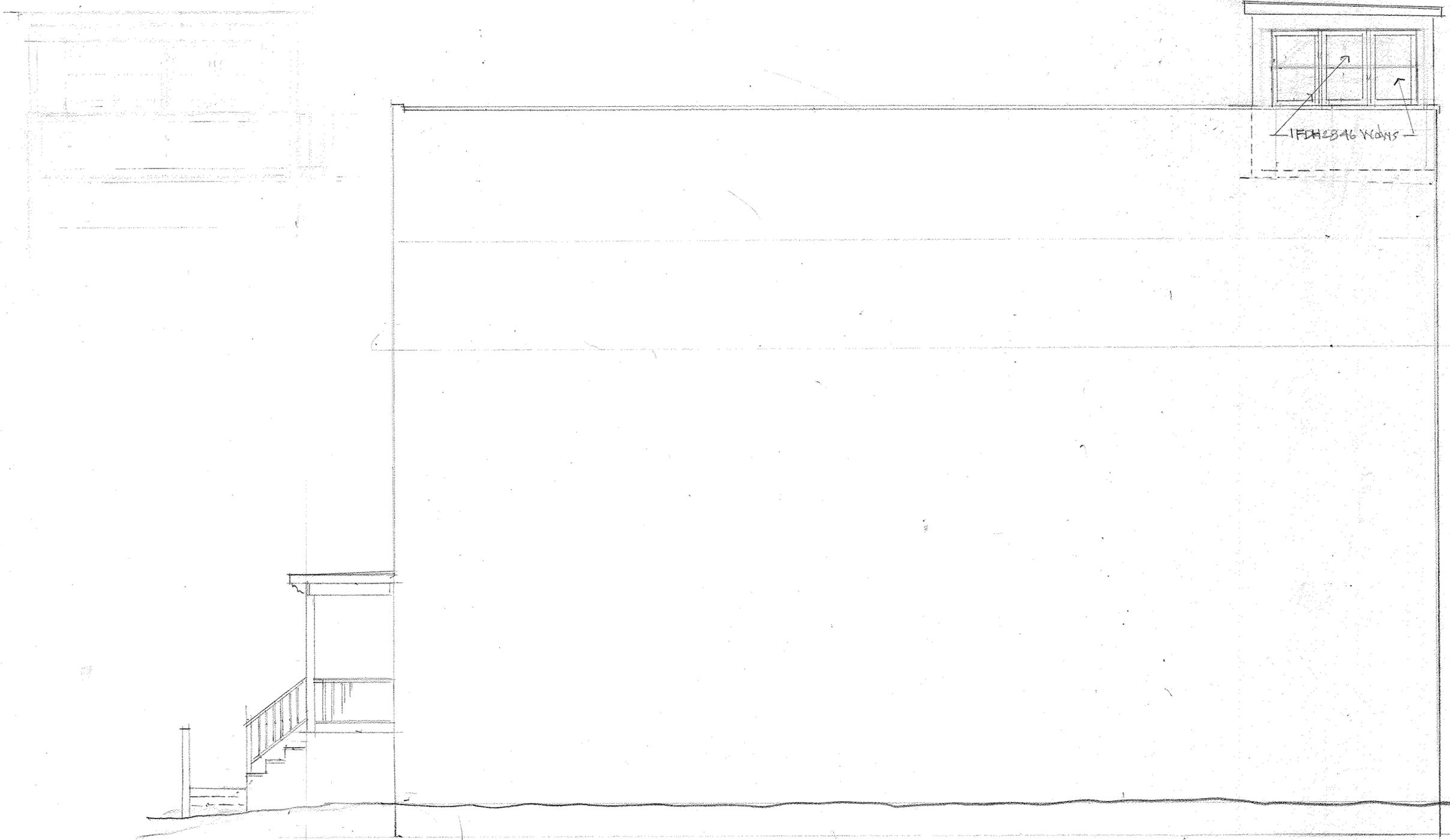


APRIL 20, 2016  
JUNE 11, 2016

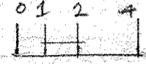
Teri Miska Condominium  
31 West Nicollet Island Avenue  
Minneapolis, Minnesota

Robert Roscoe  
Design for Preservation

1401 East River Parkway  
Minneapolis, Minnesota 55414  
612-317-0989



JAN 23, 2016  
 FEB 10, 2016  
 APRIL 24, 2016  
 JUNE 11, 2016

SOUTH ELEVATION 

Teri Miska Condominium  
 31 West Nicollett Avenue  
 Minneapolis, MN

Robert Roscoe  
 Design for Preservation

1401 East River Parkway  
 Minneapolis, Minnesota 55414  
 612-317-0989



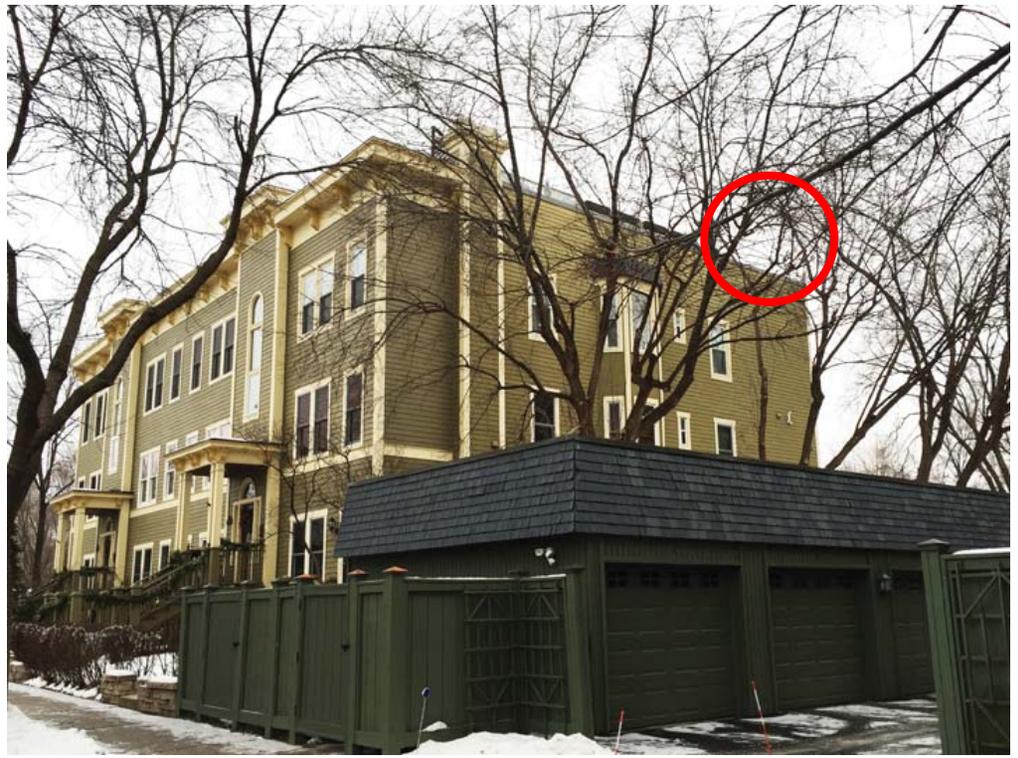
APRIL 29, 2016  
JUNE 11, 2016

Teri Miska Condominium  
31 West Nicollet Avenue  
Minneapolis, MN

Robert Roscoe  
Design for Preservation

1401 East River Parkway  
Minneapolis, Minnesota 55414  
612-317-0989

EAST ELEVATION: 1/4" = 1'0"



**From:** [P.Victor Grambsch](#)  
**To:** [Porter, Fatimat Q.](#)  
**Cc:** [Smith, Mei-Ling C.](#); [niebna-board@niebna.com](mailto:niebna-board@niebna.com)  
**Subject:** RE: Notice of a Public Hearing  
**Date:** Tuesday, May 17, 2016 2:53:22 PM

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Fatimat:

The NIEBNA Board discussed this matter at the April 2016 Board Meeting – we have no objection to the proposed changes and recommend that the Certificate of Appropriateness be granted.

Contact me with any questions.

Victor

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P. Victor Grambsch  
President  
Nicollet Island – East Bank Neighborhood Association (NIEBNA)

[www.niebna.com](http://www.niebna.com)  
[info@niebna.com](mailto:info@niebna.com)

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**From:** Porter, Fatimat Q. [mailto:Fatimat.Porter@minneapolismn.gov]  
**Sent:** Tuesday, May 17, 2016 11:15 AM  
**To:** Nicollet Island-East Bank Neigh. Assn.  
**Cc:** Farley, Zachary; Frey, Jacob; Ritchie, Heidi  
**Subject:** Notice of a Public Hearing

May 17, 2016

Nicollet Island-East Bank Neigh. Assn.  
132 Bank Street SE  
Minneapolis, MN 55414

### **NOTICE OF A PUBLIC HEARING**

#### **RE: 31 Island Avenue West**

Bob Roscoe, on behalf of Teri Miska, has submitted a Certificate of Appropriateness application to install a 119 square foot glass-paneled rooftop enclosure at the rear of the existing three-story building at 31 Island Avenue West in the St. Anthony Falls Historic District.

The Heritage Preservation Commission will meet on **Tuesday, June 07, 2016, at 4:30 p.m.**, in Room 317 City Hall, 350 South 5<sup>th</sup> Street, Minneapolis, MN. Interested parties are invited to attend and be heard. Planning Department staff will issue a recommendation to the Heritage Preservation Commission. After hearing from the public, the Heritage Preservation Commission will make a determination based on required legal findings of fact. Please visit <http://www.minneapolismn.gov/meetings/hpc/index.htm> for the agenda with staff reports (web page will be updated by the end of the day Monday prior to the meeting date).