

Department of Community Planning and Economic Development – Planning Division
Variances and Site Plan Review
BZZ – 2959

Date: May 22, 2006

Applicant: Greg Klopp

Address of Property: 2909 North Wayzata Boulevard

Project Name: iDesign

Contact Person and Phone: Ryan Politz, (651) 484-5635

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

Date Application Deemed Complete: April 27, 2006

End of 60-Day Decision Period: June 26, 2006

Ward: 7 Neighborhood Organization: Bryn Mawr Neighborhood Association

Existing Zoning: OR2 High Density Office Residence District & SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 17

Legal Description: Not applicable for this application

Proposed Use: Expansion of an existing office building.

Concurrent Review:

Variance to reduce the front yard along North Wayzata Boulevard from 15 feet to 0 feet to allow a building.

Variance to reduce the front yard along North Wayzata Boulevard to allow a 6 foot wide walkway.

Variance to reduce the east interior side yard from 7 feet to 0 feet to allow a building.

Variance to reduce the east interior side yard from 7 feet to 4.5 feet to allow an entrance landing.

Variance to reduce the west interior side yard from 7 feet to 0 feet to allow a trash enclosure.

Site plan review to allow an expansion of an existing office building.

Applicable zoning code provisions: Chapter 525, Article IX Variances and Chapter 530, Site Plan Review.

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Background: The applicant proposes to expand the one-story office building located at the property of 2909 North Wayzata Boulevard. The site is located on the south side of Interstate 394 on a block with mostly nonresidential uses. The area around this block is predominantly low density residential. The properties adjacent to the site are nonresidential. Please note that the property to the south is identified as a residential property; however, City and County records indicate it is nonresidential. The existing building is located toward the rear of the site. A 2,000 square foot, one level addition would extend the building up to the property line along North Wayzata Boulevard and would house an expanded office/showroom area.

A site plan review application is required for any building addition over 1,000 square feet in area. In the OR2 district, the minimum front yard requirement is 15 feet. The applicant is proposing a 0 foot building setback from the front property line. A 6 foot wide walkway is also proposed in the required front yard. A 4 foot wide walkway is allowed as a permitted obstruction. Therefore, variances are required to allow the building and walkway. The minimum interior side and rear yard requirements in the OR2 district are $5+2x$, where x equals the number of stories above the first. Although the addition would only be one level, it is considered a two story building by the zoning code. The zoning code defines a story as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of topmost floor and ceiling or roof above. The building addition would be 18 feet in height, therefore the addition is considered to be two stories and the side and rear yard requirements are equal to 7 feet. The building would have a 0 foot setback from the east property line. Also, an entrance landing and trash enclosure would project into the required side yards. Obstructions are not permitted in interior side yards for nonresidential uses. Therefore, variances are required to allow the building and other obstructions.

Correspondence from the Bryn Mawr Neighborhood Association was received and is attached to this report. Other correspondence is also attached. Staff will forward comments, if any are received, at the City Planning Commission meeting.

VARIANCES: 1) to reduce the front yard along North Wayzata Boulevard from 15 feet to 0 feet to allow a building; 2) to reduce the front yard along North Wayzata Boulevard to allow a 6 foot wide walkway; 3) to reduce the east interior side yard from 7 feet to 0 feet to allow a building; 4) to reduce the east interior side yard from 7 feet to 4.5 feet to allow an entrance landing; and 5) to reduce the west interior side yard from 7 feet to 0 feet to allow a trash enclosure.

Findings as required by the Minneapolis Zoning Code:

- 1. The property can not be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

Front and side yard variance to allow the building: The existing building is located toward the rear of the site. It is setback 17 feet from the front lot line, 33 feet from the east side lot line, and 9 feet from the rear lot line. The parking area is to the west of the building. The minimum yard requirements are 15 feet for the front yard and 7 feet for the side yards. The location of the existing building and parking area limit options for expansion. The applicant is proposing to construct the office building addition up to the north and east property lines. The other buildings along this block facing Wayzata Boulevard appear to be built up to the front lot line with the exception of the property to the west where the building is set back approximately 5 feet. Likewise, these buildings are also built up to at least one side lot line. Therefore the building would be similar to other buildings on the block. It is reasonable to allow the building addition as proposed.

Walkway variance: A 4 foot wide walkway is allowed as a permitted obstruction in the front yard. A 6 foot walkway already exists between the building and the parking area. A 6 foot wide walkway is proposed that would extend the existing walkway to the front property line. The parking lot also extends to the front lot line and into the right of way, abutting the public sidewalk. The walkway would serve to provide pedestrian access from the parking lot to the building entrance. The applicant has indicated that a wider walkway would improve the accessibility of the site for handicapped impaired persons. A 6 foot wide walkway is a reasonable use of the property.

Entrance landing variance: The interior side yard setback requirement is 7 feet. Landings are not permitted as an obstruction in an interior side yard. The proposed landing would be located on the east side of the property. It would be 16 square feet and set back 4.5 feet from the property line. The applicant has indicated that the landing is required by the building code. For an office space less than 5,000 square feet in area, only one access door is required. A total of four doors are proposed. Further, the wall on which the door would lead to the landing is primarily windows. The door along with the landing could be relocated 3 feet to the west to meet compliance with the yard requirement. Staff does not believe a hardship exists.

Trash enclosure variance: The interior side yard setback requirement is 7 feet. The proposed trash enclosure would be located in the southwest corner of the property in the interior side yard. Trash enclosures are not permitted as an obstruction in an interior side or rear yard. The parking lot encroaches into both of these yards. The parking area has nonconforming rights for the yard requirements because it was established before the zoning code prohibited them from being

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located in a yard. The nonconforming rights apply only to parking. The area occupied by the enclosure would be less than 50 square feet. It would not encroach further into the side yard, than the parking area already does. The location of the enclosure is reasonable if the size of it is limited. Staff is recommending that the area occupied by the enclosure not exceed 50 square feet.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

Front and side yard variance to allow the building: The existing building, constructed in 1945, is located toward the rear of the site. It is setback 17 feet from the front lot line, 33 feet from the east side lot line, and 9 feet from the rear lot line. The parking area is to the west of the building. The other buildings along this block facing Wayzata Boulevard appear to be built up to the front lot line with the exception of the property to the west where the building is set back approximately 5 feet. Likewise, these buildings are also built up to at least one side lot line. These conditions are preexisting and not created by the applicant.

Walkway variance: A 6 foot walkway already exists between the building and the parking area. However, the parking lot extends to the front lot line and into the right of way, abutting the public sidewalk. These circumstances have not been created by the property owner. A 6 foot wide walkway is proposed that would extend the existing walkway to the front property line. The walkway would serve to provide pedestrian access from the parking lot to the building entrance.

Entrance landing variance: The landing would be a part of the new addition. The wall on which the door would lead to the landing is primarily windows. The door along with the landing could be relocated 3 feet to the west to meet compliance with the yard requirement. The circumstance has been created by the applicant.

Trash enclosure variance: Several circumstances exist on the property that limit where the trash enclosure could be located. Trash pick-up is limited to the parking area on the west side of the property because the building occupies the east half of the site and there is no alley access. The nonresidential building to the west of the property is built up to the property line. After the building ends, a retaining wall approximately 4 feet in height runs along the property line. It retains grade on the adjacent property. In addition to the 7 foot side yard requirement, a 7 foot rear yard requirement applies. The parking lot has nonconforming rights to encroach into both of these yards. The nonconforming rights apply only to parking. If the enclosure was made to comply with the yard requirements and remained near the southwest property corner, it would leave a gap between the adjacent building and the enclosure and would eliminate a parking space. Further, the applicant indicated that their parking lot is shared with the adjacent property to the rear for loading purposes. Locating the enclosure in the rear yard could conflict with the loading area. It could also be located next to the building; however, it would separate the parking area from a rear entrance and eliminate a parking space. These circumstances have not been created by the applicant.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Front and side yard variance to allow the building: In general, yard controls are established to provide for the orderly development and use of land and to minimize conflicts among land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The other buildings along this block facing Wayzata Boulevard appear to be built up to the front lot line with the exception of the property to the west where the building is set back approximately 5 feet. Setting the building back at 15 feet would be out of character with the established setback along Wayzata Boulevard. Likewise, these buildings are also built up to at least one side lot line. The addition would extend to the east property line. A parking lot of a nonresidential use on the adjacent property abuts the property line. Granting the variances should have little effect on the adjacent properties and are keeping with the intent of the ordinance.

Walkway variance: Minimum yard requirements are established to minimize conflicts between land uses. Obstructions, including walkways, are allowed for residential and nonresidential uses in the required front yard. A 4 foot wide walkway is allowed for all uses. However, the zoning code allows an exception for institutional and public uses. Walkways for these uses cannot exceed 8 feet in width. An office is classified as a commercial use and is subject to the 4 foot maximum. The proposed walkway would be 6 feet wide. It is not adjacent to any residential uses. The walkway is in keeping with the intent of the ordinance and should have little affect on adjacent properties.

Entrance landing variance: Minimum yard requirements are established to minimize conflicts between land uses. A parking lot is built up to the property line on the adjacent property. The landing should have little effect on surrounding properties.

Trash enclosure variance: Minimum yard requirements are established to minimize conflicts between land uses. The nonresidential building to the west of the property is built up to the property line. After the building ends, a retaining wall approximately 4 feet in height runs along the property line. It retains grade from the adjacent property for its parking lot. The trash container for the adjacent property is also located near the proposed enclosure location. It should have little effect on the property to the west. The property to the rear of the site contains a residential structure that was converted to a nonresidential use. The grade of the adjacent property is also higher. As previously mentioned, the parking lot is shared with the adjacent property to the rear for loading purposes. The enclosure should have little effect on the property to the rear.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

Front and side yard variance to allow the building: Sufficient parking is provided on-site to allow the expansion. The CPED Department does not expect that granting the variances would affect congestion or public safety.

Walkway variance: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Entrance landing variance: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Trash enclosure variance: The CPED Department does not expect that granting the variances would affect congestion or public safety.

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 FAÇADE:

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

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- 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 and windows:
 - 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.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- 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. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

The building addition would contribute to a street wall along Wayzata Boulevard. It would include an abundant amount of windows to the street, parking lot and landscaped area in the southeast corner of the property. As part of the variance to allow the walkway in the required front yard, staff is recommending that the walkway be extended to the sidewalk to facilitate pedestrian access and circulation.

The building would have a 0 foot setback from the front property line. The OR2 district requires a 15 foot yard, therefore a variance is required to allow the building as proposed. Staff is recommending that the variance be granted.

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A new main entrance is proposed on the addition. It would face the parking area. No entrances are proposed that would face the street. Staff is recommending that the applicant provide an entrance facing Wayzata Boulevard. The entrance may be placed at a 45 degree angle to the front elevation at the corner of the building.

A surface parking area is located on the side of the building.

The addition would include an abundant amount of windows to the street, parking lot and landscaped area in the southeast corner of the property. However, the new east elevation of the addition would have a blank, uninterrupted wall that exceeds 25 feet in length. Although this wall does not face a street, it faces the driveway and parking area of the adjacent property. Staff is recommending that architectural elements are added to the east elevation to meet this requirement.

The primary exterior materials would be stucco and glass. All walls are similar and compatible with the front of the building.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance as proposed would face the parking lot. Staff is recommending that the applicant provide an entrance facing Wayzata Boulevard. A cantilevered awning would express the importance of the entrance.

An abundant amount of windows would be provided. The elevation facing the street is almost entirely windows, therefore the amount of windows proposed would greatly exceed the 30 percent requirement. The wall facing the parking lot is required to have approximately 158 square feet of windows. Within 2 and 10 feet of the adjacent grade, 175 square feet of fenestration is proposed, or 32.3 percent. All windows would be vertical in proportion and distributed in a more or less even manner. The applicant has indicated that all windows would have a visible light transmittance ratio of 0.85.

The existing building has a flat roof. A flat roof is proposed. All of the buildings on the block, except one, 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:

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A 6-foot wide walkway would connect the parking area to the building entrance if the variance for walkway width is granted. However, the walkway as shown on the plan would not exceed to the public sidewalk. Staff is recommending that the walkway extend to the sidewalk.

There are no transit shelters on or immediately adjacent to the site.

Vehicular access occurs through one existing curb cut on Wayzata Boulevard. It should have minimal impact on pedestrians.

There are no public alleys or residential uses adjacent to the site.

The amount of impervious surface would increase on the site with the building addition. The west half of the property is occupied by the parking area. It extends into the required front, interior side, and rear yards. The parking lot has nonconforming rights to encroach into these yards because it was established before the zoning code did not allow it. As proposed, the site would comply with the maximum impervious surface requirements for the OR2 district. Fifteen percent, or 1,580 square feet, of the lot area is required to be pervious surface. Approximately, 17 percent or 1,744 square feet is proposed. Even though the district requirements are met, the parking area is not designed to reduce the amount of impervious surface. The zoning code requires a minimum drive aisle width of 22 feet and a minimum parking space depth of 18 feet. The dimensions proposed exceed the requirements by 11 feet. The parking area also extends into the public right of way. Public Works has stated that parking will not be allowed in the right of way, therefore the bituminous surface would have to be removed up to the property line. Further, the amount of parking proposed exceeds the minimum requirement by 9 spaces. Staff is recommending that a 7-foot, landscaped interior side yard be restored up to where the trash enclosure is proposed. Staff also recommends that a 5 foot landscaped yard be provided between the property line and the parking area along Wayzata Boulevard.

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.**

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- 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 be landscaped. The lot area of the site is 10,533 square feet. The building footprint would be 3,980 square feet. The lot area minus the building footprints therefore consists of approximately 6,553 square feet. At least 20 percent of the net site area (1,310.6 square feet) must be landscaped. Approximately 1,744 square feet of the site would be landscaped, which exceeds the minimum requirement.

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 3 and 13 respectfully. One existing tree and no shrubs are proposed on-site. Staff is recommending that the applicant provide the minimum number of trees and shrubs.

A 7-foot landscaped yard is required between the surface parking area and Wayzata Boulevard. Although there are nonconforming rights that allow parking in the front yard, these rights do not apply to the Ch. 530 Site Plan Review landscaping requirements. No yard or landscaping is proposed because the parking currently extends into the right of way up to the public sidewalk. Public Works has stated that parking will not be allowed in the right of way, therefore the bituminous surface would have to be removed up to the property line. Further, the amount of parking proposed exceeds the minimum requirement by 9 spaces. With a 5-foot landscaped yard, only three parking spaces would be removed. Staff is recommending that a 5-foot, landscaped yard is provided between the parking area and the property line and alternative compliance be granted if an exceptional landscaping plan, which includes seasonal interest and diversity in plant species is provided.

Screening that is three feet tall and no less than 60 percent opaque is required between the parking area and the street. No screening is proposed. Staff is recommending that an exceptional landscaping plan, which includes seasonal interest and diversity in plant species is provided in order to grant alternative compliance for other requirements of the site plan review. The landscaping must also comply with the screening requirements.

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A 7-foot landscaped yard is required between a parking area and any office residential district. The properties to the south and west of the site are zoned OR2. Although there are nonconforming rights that allow parking in the interior side and rear yards, these rights do not apply to the Ch. 530 Site Plan Review landscaping requirements.

Interior Side Yard: A landscaped yard is not proposed along the west property line. The parking area is wider than necessary. The zoning code requires a minimum drive aisle width of 22 feet and a minimum parking space depth of 18 feet. The dimensions proposed exceed the requirements by 11 feet. Staff is recommending that a 7-foot wide landscaped yard be provided along the west property line up to where the trash enclosure is proposed. Staff is also recommending that an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, is provided in this yard in order to grant alternative compliance for other requirements of the site plan review.

Rear Yard: Along the rear of the parking area, part of the yard requirement is met. A landscaped yard is not provided where, as the applicant has indicated, the parking area extends onto to the adjacent property to the south for loading purposes. Staff is recommending that alternative compliance be granted for the rear yard requirement where the parking area exists.

Like the landscaped yards, screening is required between any parking area and adjacent office residential district. The screening must be 6 feet in height and at least 95 percent opaque.

Interior Side Yard: No screening is proposed to meet this requirement. The nonresidential building on the property to the west is built up to the interior side property line. Very few windows exist on this side of the building. With the installation of a 5-foot landscaped yard adjacent to the front lot line, the parking would be in line with the front of the building to the west. Further, the grade of the adjacent property is approximately 4 feet higher than the grade of the subject site. Staff is recommending that alternative compliance be granted for the screening requirement along the west property line.

Rear Yard: The applicant has indicated that the nonresidential use on the property to the south shares the parking area for loading purposes. Screening between the two properties would inhibit sharing the parking area. Where the parking area does not extend across the property line, a two-car garage blocks the view of the east side of the parking area. Further, the adjacent building sits at a higher grade than the subject site. Providing the required screening would likely be ineffective. Staff is recommending that alternative compliance be granted for the screening requirements along the south property line.

One tree is required for every 25 feet of parking lot frontage. Two trees are required along Wayzata Boulevard. With the staff recommendation to provide a 5-foot yard along Wayzata, there is sufficient room to provide trees. Staff is recommending that two canopy trees are provided along Wayzata Boulevard.

All parking spaces are within 50 feet of an on-site tree, with the exception of the parking space in the northwest corner of the parking lot. With the staff recommendation to provide two canopy

trees in a 5-foot landscaped yard along Wayzata Boulevard, alternative compliance would not be necessary.

All areas that are not covered by the building, paved or landscaped are proposed to be covered by turf. Staff is recommending that along the street and west interior side yard an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, is provided in order to grant alternative compliance for other requirements of the site plan review. The applicant is encouraged to incorporate perennials and flowering plants.

Installation and maintenance of all landscape materials are required to 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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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 parking area is not defined by any curbing nor is any curbing proposed. The existing parking layout out would not allow for on-site filtration of stormwater. However, staff has recommended that a 5-foot landscaped yard be provided between the parking area and the Wayzata Boulevard right of way as well as a 7 foot wide landscaped yard along the west property line. The grade slopes towards Wayzata Boulevard. The required landscaped yards along the street would facilitate stormwater retention. It is not likely that much stormwater from the parking area would flow to the recommended landscaped yard on the west side of the site. To protect the landscaping on the west side of the property, staff is recommending that the applicant install 6 inch by 6 inch continuous concrete curbing. Where on-site retention and filtration of stormwater is feasible, staff is recommending that that discontinuous curbing be provided.

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Existing and proposed 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 shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from 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 from any permitted or conditional residential use.
- (4) Lighting shall not 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.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The parking lot is not adjacent to any residential properties, therefore no residential properties would be affected by headlight glare.

The building addition should not impede any views of important elements of the city.

The building addition would not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

Windows and entrances would allow surveillance to the parking area and to the landscaped area in the southeast corner of the property behind the building. Landscaping will be required to follow the 3 foot to 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site from the street. Walkways would lead to all common entrances.

The existing structure is not historic or eligible for 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 OR2 and is within the Shoreland Overlay District. An office is a permitted use in the OR2 district. The proposed development should comply with all regulations of the overlay district.

Parking and Loading: The minimum parking requirement for an office is one space per 300 square feet of gross floor area over 4,000 square feet or four spaces, whichever is greater. The gross floor area proposed is 3,980 square feet, therefore a minimum of 4 spaces are required. Thirteen spaces are proposed; however, if the staff recommendations are approved, 10 parking spaces would remain. At a minimum, the applicant is required to provide adequate shipping and receiving facilities, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot to meet the loading requirement. A sufficient number of spaces are provided to meet this requirement.

Currently, water from the parking area drains across the public sidewalk. The zoning code does not allow this as per section 541.310. The installation of a landscaped yard as recommended by staff would make the parking lot comply with drainage requirements.

Signs: Although the elevations show a sign, the applicant has indicated that no new signage is proposed. Any new signage will require a zoning review, approval, and permits.

Maximum Floor Area: The lot area is 10,533 square feet. The maximum FAR allowed in the OR2 District is 2.5. The building would have a total of 3,980 square feet, which is an FAR of 0.38.

Minimum Lot Area: The minimum lot area requirement is 4,000 square feet. The subject lot area is 10,533 square feet.

Height: Building height in the OR2 district is limited to 4 stories or 56 feet, whichever is less. The building addition would be one level, 18 feet in height. The zoning code defines a story as that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, or 14 feet, whichever is less, except that the topmost story shall be that portion of a building included between the upper surface of topmost floor and ceiling or roof above. Therefore the addition is considered to be two stories.

Yard Requirements: In the OR2 district, the following yard requirements apply:

- 1) The minimum front yard requirement is equal to the district requirement of 15 feet or the established setback of the closest principal building originally designed for residential purposes located on the same block face on either side of the property, whichever is greater. Because both structures on either side of the subject site are nonresidential structures, the 15 foot requirement applies. The proposed building addition would be set back 0 feet from the property line. The applicant has requested a variance to allow the building. The existing parking area also projects into the front yard. The parking lot was established when the

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zoning code allowed parking in required yards, therefore nonconforming rights exist for the parking area. Please note that these nonconforming rights do not apply to the landscaped yard requirements of Ch. 530 Site Plan Review in the zoning code.

- 2) The minimum interior side yard requirements are equal to $5+2x$, where x equals the number of stories above the first floor. Because the addition is two-stories, the required interior side yard is 7 feet. Please note that the building setback line identified on the site plan for the side yards is incorrectly shown at 5 feet. Along the east side of the property, the building and an entrance landing would project into the side yard. On the west side of the property, the trash enclosure would project into the side yard. The applicant is requesting variances for these obstructions. Also on the west side of the property, the parking area extends into the required side yard. The parking lot was established when the zoning code allowed parking in required yards, therefore nonconforming rights exist for the parking area. Please note that these nonconforming rights do not apply to the landscaped yard requirements of Ch. 530 Site Plan Review in the zoning code.
- 3) The minimum rear yard requirements are equal to $5+2x$, where x equals the number of stories above the first floor. Because the addition is two-stories, the required rear yard is 7 feet. Please note that the building setback line identified on the site plan for the rear yards is incorrectly shown at 5 feet. Behind the building, an existing and new air-conditioning system would project into the rear yard. Air conditioners are allowed as permitted obstructions if they do not exceed four feet in height and are located next to a nonresidential use. A community garden is on the adjacent property and the applicant has indicated that the systems would be less than 4 feet in height. Therefore the air-conditioning systems are permitted obstructions. The parking area also projects into the required rear yard. The parking lot was established when the zoning code allowed parking in required yards, therefore nonconforming rights exist for the parking area. Please note that these nonconforming rights do not apply to the landscaped yard requirements of Ch. 530 Site Plan Review in the zoning code.

Specific Development Standards: Not applicable.

Hours of Operation: Hours open to the public are allowed as follows:

Sunday through Thursday, from 7:00 a.m. to 10:00 p.m.

Friday and Saturday, from 7:00 a.m. to 11:00 p.m.

The applicant's proposed hours of operation would be 10:00 a.m. to 5:00 p.m.

Refuse screening: Refuse storage containers are required to be effectively screened from the street by screening compatible with the principal structure and not less than two feet higher than the refuse container. Refuse would be stored in a trash enclosure in the southwest corner of the property. The applicant has indicated that the walls of the enclosure would be 5 feet tall and constructed of colored concrete block. The existing dumpster is approximately 4 feet in height. The height would need to be increased by a foot to comply with the ordinance. Also, the material for the gates is not identified. Chain link with slats is not allowed for screening.

MINNEAPOLIS PLAN: The site is designated as Services – Commercial by *The Minneapolis Plan*. The following policies are relevant:

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Applicable Implementation Steps

Enhance unique characteristics of 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 public spaces and infrastructure.

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

Staff comment: The building addition would be built up to the front property line. If the applicant implements the staff recommendations for site plan review by providing additional amenities, such as trees and landscaping along the street, a main entrance facing the street, and a walkway that connects the main building entrance to the sidewalk, the pedestrian environment and the surrounding area would be enhanced. The building elevation along the street would be primarily windows and would allow views into and out of the building at eye level.

9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Applicable Implementation Steps

Require the landscaping of parking lots.

Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

Staff comment: The parking area is located on the side of the building in the interior of the block. Staff is recommending that the parking area be set back 5 feet from the property line and that landscaping be provided between the parking area and the public sidewalk.

9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Applicable Implementation Steps

Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

Staff comment: The addition would be oriented towards Wayzata Boulevard. It would be 2 stories and 18 feet in height. The use would comply with the hours of operation for a nonresidential use in the OR2 district. Although the site is not adjacent to any residential uses, the proposed development should have little effect on the surrounding residential area.

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The Bryn Mawr Neighborhood Land Use Plan also affects the site. This small area plan was approved by the City Council in September of 2005. The plan has the following goals that apply to the site and the other properties on the same block:

- Improve the visual image of the site
- Mitigate the effect of freeway noise on residential areas to the south
- Take better advantage of the views of downtown
- Enhance the quality of life for residents living south of the site
- Be compatible with current and surrounding land uses.

The plan recommends mixed-use development on the block with residential uses on upper floors.

Staff comment: Although the building would be single-use occupancy, the proposed development would accomplish most of the goals of the plan. The building addition would improve the appearance of the site by providing windows and, if the staff recommendation is approved, an entrance facing Wayzata Boulevard. If the other staff recommendations are approved, landscaping and screening in the parking area would also improve the appearance of the site. Staff is recommending that trees are planted between the parking area and the street. The trees should mitigate some of the freeway noise when they mature. With the proposed and recommended changes of the development, the site should be more compatible with surrounding land uses.

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:

- **Principal entrance facing the street**

A new main entrance is proposed on the addition. It would face the parking area. No entrances are proposed that would face the street. Staff is recommending that a principal entrance face Wayzata Boulevard and that alternative compliance not be granted. The entrance may be placed at a 45 degree angle to the front elevation at the northwest corner of the building.

- **Lack of architectural detail and blank walls exceeding 25 feet in length**

The east elevation of the addition would have a blank, uninterrupted wall that exceeds 25 feet in length. Although this wall does not face a street, it faces the driveway and parking area of the adjacent property. Staff is recommending that architectural elements are added to the east elevation to meet this requirement and that alternative compliance not be granted.

- **Walkway to connect the public sidewalk to the building entrance**

A 6-foot wide walkway would connect the parking area to the building entrance if the variance for walkway width is granted. However, the walkway as shown on the plan would not exceed to the public sidewalk. Staff is recommending that the walkway extend to the sidewalk and that alternative compliance not be granted.

- **Reduction of impervious surface**

The amount of impervious surface would increase on the site with the building addition. The west half of the property is occupied by the parking area. It extends into the required front, interior side, and rear yards. The parking lot has nonconforming rights to encroach into these yards because it was established before the zoning code did not allow it. As proposed, the site would comply with the maximum impervious surface requirements for the OR2 district. Fifteen percent, or 1,580 square feet, of the lot area is required to be pervious surface. Approximately 17 percent or 1,744 square feet is proposed. Even though the district requirements are met, the parking area is not designed to reduce the amount of impervious surface. The zoning code requires a minimum drive aisle width of 22 feet and a minimum parking space depth of 18 feet. The dimensions proposed exceed the requirements by 11 feet. The parking area also extends into the public right of way. Public Works has stated that parking will not be allowed in the right of way, therefore the bituminous surface would have to be removed up to the property line. Further, the amount of parking proposed exceeds the minimum requirement by 9 spaces. Staff is recommending that the 7-foot interior side yard be restored up to where the trash enclosure is proposed. Staff also recommends that a 5 foot landscaped yard be provided between the property line and the parking area along Wayzata Boulevard.

- **Minimum number of trees and shrubs**

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 3 and 13 respectfully. One existing tree and no shrubs are proposed on-site. By providing the landscaped yards along Wayzata Boulevard and the west property, there is sufficient area to provide the required trees and shrubs. Staff is recommending that the applicant provide the minimum number of trees and shrubs.

- **Landscaped yard and screening requirements along Wayzata Boulevard**

A 7-foot landscaped yard is required between the surface parking area and Wayzata Boulevard. No yard or landscaping is proposed because the parking currently extends

into the right of way up to the public sidewalk. Public Works has stated that parking will not be allowed in the right of way, therefore the bituminous surface would have to be removed up to the property line. Further, the amount of parking proposed exceeds the minimum requirement by 9 spaces. With a 5-foot landscaped yard, only three parking spaces would be removed. Staff is recommending that a 5-foot, landscaped yard is provided between the parking area and the property line and alternative compliance be granted if an exceptional landscaping plan, which includes seasonal interest and diversity in plant species is provided.

Screening that is three feet tall and no less than 60 percent opaque is required between the parking area and the street. No screening is proposed. Staff is recommending that an exceptional landscaping plan, which includes seasonal interest and diversity in plant species is provided in order to grant alternative compliance for other requirements of the site plan review. The landscaping must also comply with the screening requirements.

- **Landscaped yard and screening requirements along the west property line**

A 7-foot landscaped yard is required between a parking area and any office residential district. The property to the west of the site is zoned OR2. A landscaped yard is not proposed along the west property line. The parking area is wider than necessary. The zoning code requires a minimum drive aisle width of 22 feet and a minimum parking space depth of 18 feet. The dimensions proposed exceed the requirements by 11 feet. Staff is recommending that a 7-foot wide landscaped yard be provided along the west property line up to where the trash enclosure is proposed. Staff is also recommending that an exceptional landscaping plan, which includes seasonal interest and diversity in plant species, is provided in this yard in order to grant alternative compliance for other requirements of the site plan review.

Like the landscaped yard, screening is required between any parking area and adjacent office residential district. The screening must be 6 feet in height and at least 95 percent opaque. No screening is proposed to meet this requirement. The nonresidential building on the property to the west is built up to the interior side property line. Very few windows exist on this side of the building. With the installation of a 5-foot landscaped yard adjacent to the front lot line, the parking would be in line with the front of the building to the west. Further, the grade of the adjacent property is approximately 4 feet higher than the grade of the subject site. Staff is recommending that alternative compliance be granted for the screening requirement along the west property line.

- **Landscaped yard and screening requirements along the west property line**

A 7-foot landscaped yard is required between a parking area and any office residential district. The property to the south of the site is zoned OR2. Along the rear of the parking area, part of the yard requirement is met. A landscaped yard is not provided where, as the applicant has indicated, the parking area extends onto to the adjacent property to the south for loading purposes. Staff is recommending that alternative compliance be granted for the rear yard requirement where the parking area exists.

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Like the landscaped yards, screening is required between any parking area and adjacent office residential district. The screening must be 6 feet in height and at least 95 percent opaque. The applicant has indicated that the nonresidential use on the property to the south shares the parking area for loading purposes. Screening between the two properties would inhibit sharing the parking area. Where the parking area does not extend across the property line, a two-car garage blocks the view of the east side of the parking area. Further, the adjacent building sits at a higher grade than the subject site. Providing the required screening would likely be ineffective. Staff is recommending that alternative compliance be granted for the screening requirements along the south property line.

- **Providing a tree for every 25 feet of parking lot frontage**

One tree is required for every 25 feet of parking lot frontage. Two trees are required along Wayzata Boulevard. With the staff recommendation to provide a 5-foot yard along Wayzata, there is sufficient room to provide trees. Staff is recommending that two canopy trees are provided along Wayzata Boulevard and that alternative compliance not be granted.

- **Proximity of all parking spaces within 50 feet of a tree.**

All parking spaces are within 50 feet of an on-site tree, with the exception of the parking space in the northwest corner of the parking lot. With the staff recommendation to provide two canopy trees in a 5-foot landscaped yard along Wayzata Boulevard, alternative compliance would not be necessary. Staff recommends that this requirement is met and that alternative compliance not be granted.

- **Curbing**

The parking area is not defined by any curbing nor is any curbing proposed. The existing parking layout would not allow for on-site filtration of stormwater. However, staff has recommended that a 5-foot landscaped yard be provided between the parking area and the Wayzata Boulevard right of way as well as a 7 foot wide landscaped yard along the west property line. The grade slopes towards Wayzata Boulevard. The required landscaped yards along the street would facilitate stormwater retention. It is not likely that much stormwater from the parking area would flow to the recommended landscaped yard on the west side of the site. To protect the landscaping on the west side of the property, staff is recommending that 6 inch by 6 inch continuous concrete curbing be installed. Where on-site retention and filtration of stormwater is feasible, staff is recommending that that discontinuous curbing be provided.

RECOMMENDATIONS

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

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 variance to reduce the front yard along North Wayzata Boulevard from 15 feet to 0 feet to allow an expansion of an office building located at the property of 2909 North Wayzata Boulevard.

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

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 variance to reduce the front yard along North Wayzata Boulevard to allow a 6 foot wide walkway located at the property of 2909 North Wayzata Boulevard.

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

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 variance to reduce the east interior side yard from 7 feet to 0 feet to allow an expansion of an office building located at the property of 2909 North Wayzata Boulevard.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a variance to reduce the east interior side yard from 7 feet to 4.5 feet to allow an entrance landing located at the property of 2909 North Wayzata Boulevard.

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

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 variance to reduce the west interior side yard from 7 feet to 0 feet to allow a trash enclosure located at the property of 2909 North Wayzata Boulevard, subject to the following condition:

- 1) The area occupied by the trash enclosure shall not be larger than 50 square feet.

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 to allow an expansion of an office building located at the property of 2909 North Wayzata Boulevard, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final elevations, site, lighting and landscape plans.
2. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 22, 2007, or the permit may be revoked for non-compliance unless extended by the zoning administrator.
3. A principal entrance shall face Wayzata Boulevard with a walkway connection to the public sidewalk as required by section 530.120 of the zoning code.
4. Architectural elements shall be added to the east elevation of the addition with no more than 25 feet length of blank, uninterrupted wall as required by 530.120 of the zoning code.
5. The required 7-foot interior side yard shall be restored up to where the trash enclosure is proposed.
6. A 5 foot landscaped yard shall be provided between the property line and the parking area along Wayzata Boulevard.
7. A minimum of 3 trees and 13 shrubs shall be provided on-site as required by section 530.160 of the zoning code.
8. An exceptional landscaping plan, which includes seasonal interest and diversity in plant species and meets the landscaping and screening requirements of section 530.170 and is maintained as required in section 530.210, shall be provided. The applicant is encouraged to incorporate perennials and flowering plants.
9. At least two canopy trees shall be provided on-site along Wayzata Boulevard as required by section 530.170 of the zoning code.
10. Chain link with slats shall not be used to screen the trash containers as per Section 535.430 of the zoning code.

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Attachments:

1. PDR comments
2. Statements of use
3. Findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos