



**Date:** December 12, 2018

**To:** Planning Commission

**From:** Cary Teague, Community Development Director

**Subject:** Variances at 4412 Valley View Road for New Horizon Academy

## **Information / Background:**

The Planning Commission is asked to consider a site plan with variances request to remodel and expand the building at 4412 Valley View Road. The applicant would significantly remodel the existing retail and office building into a day care facility. The existing building is 9,047 square feet in size and has been used for a variety of retail and offices uses over the years. The proposed remodeled building would be 9,600 square feet in size. The remodeling includes changing the hip roof into a flat roof, and locating a play area on to the roof. An elevator would be required to get staff and the kids to the roof. A height variance would be required for this elevator that would also include a lobby, stairs and storage area. There are 25 parking stalls on the site; the proposal would reduce parking to 22 stalls. Green space and boulevard style sidewalks would be added to the front of the building on Valley View to meet some goals in the Valley View/Wooddale small area plan. (See attached applicant plans and narrative and pages from the small area plan.)

The site is currently zoned PCD-I, Planned Commercial District. Day Cares are a permitted use. The request would require the following:

1. A Parking stall variance from 27 spaces to 22 stalls.
2. A building height variance from 24 feet to 41 feet.

The applicant has gone through the sketch plan process, and made the following changes based on the feedback from the Planning Commission and City Council:

- Rotated the front stair.
- Attempted to make the structure architecturally similar with the adjacent new residential development.
- Added a “bump out” on the west side to better identify the main entrance and the existing building materials.

- Modified the penthouse roof to reflect the residential character of the neighborhood.
- Met with the developer of the adjacent residential project and modified the building material palette to more closely align.
- Added bicycle racks

## **SUPPORTING INFORMATION**

### **Surrounding Land Uses**

- Northerly: Single-family homes; zoned R-1, Single Dwelling Unit District.  
Easterly: Single-family homes; zoned R-1, Single Dwelling Unit District.  
Southerly: New Horizon Day Care zoned PCD-1, Planned Commercial District and guided NN, Neighborhood Node.  
Westerly: Condominiums; zoned PCD-1, Planned Commercial District and guided NN, Neighborhood Node

### **Existing Site Features**

The subject property is 17,000 square feet in size, and contains a two-story commercial and office building that is in a poor state of repair.

### **Planning**

- Guide Plan designation: NN, Neighborhood Node.  
Zoning: PCD-1, Planned Commercial District

### **Site Circulation/Access/Traffic**

Primary access points to the proposed development remain the same off of Kellogg Avenue and Valley View Road France Avenue.

### **Parking**

Based on the City Code requirement, Section 36-1312, a total of 27 parking stall would be required (see table below). The proposed plans would provide 22 parking stalls. A parking study was done by the Traffic Impact Group. (See attached.) The study concludes that there would be adequate parking to support New Horizon. The maximum number of stalls needed at any one time is 10. The pickup and drop off occurs within the existing parking stalls and does not happen at one time. The New Horizon is currently located across the street; and they have a good handle on the number stalls needed to support the business on this site.

## **Landscaping**

Based on the perimeter of the site, 13 overstory trees would be required. The proposed plans show that 5 overstory trees and a row of 14 Techney Arborvitae along the east lot line. (See attached landscape plan.) The proposed landscaping and green space would be a vast improvement over existing conditions.

## **Grading/Drainage/Utilities**

The city engineer has reviewed the proposed plans and found them to be acceptable subject to the comments and conditions outlined in the attached memo. Drainage is directed away from the adjacent residential property. Green space and a raingarden would be added in front, which would be a vast improvement over existing conditions. Any approvals of this project would be subject to review and approval of the Watershed District, as they are the City's review authority over the grading of the site.

## **Building/Building Material**

The building materials would be stone, lap siding and glass. The building is designed to reflect a more residential scale to fit the neighborhood.

## **Mechanical Equipment**

Any rooftop and/or ground level equipment would have to be screened if visible from adjacent property lines.

## **Trash Enclosures**

The trash area would be located inside the building.

## **Building Height**

The building height requirement for this site is 2 stories and 24 feet. (See attached building height overlay district map.) The applicant is requesting a variance from this standard. The building height proposed is 41 feet, including the elevator access to the roof. While the building is considered to be two stories, consistent with the small area plan, the elevator, stair and lobby portion is 41 feet tall and could be considered a third story. The small area plan would allow three stories for this site. (See attached pages from the Valley View/Wooddale small area plan.)

## **Living Streets/Multi-Modal Consideration**

### **Sec. 36-1274. - Sidewalks, trails and bicycle facilities.**

- (a) In order to promote and provide safe and effective sidewalks and trails in the City and encourage the use of bicycles for recreation and transportation, the following improvements are required, as a condition of approval, on developments requiring the

approval of a final development plan or the issuance of a conditional use permit pursuant to article V of this chapter:

- (1) It is the policy of the City to require the construction of sidewalks and trails wherever feasible so as to encourage pedestrian and bicycle connectivity throughout the City. Therefore, developments shall provide sidewalks and trails which adjoin the applicant's property:
    - a. In locations shown on the City's sidewalk and trail plan; and
    - b. In other locations where the council finds that the provision of such sidewalks and trails enhance public access to mass transit facilities or connections to other existing or planned sidewalks, trails or public facilities.
  - (2) Developments shall provide sidewalks between building entrances and sidewalks or trails which exist or which will be constructed pursuant to this section.
  - (3) Developments shall provide direct sidewalk and trail connections with adjoining properties where appropriate.
  - (4) Developments must provide direct sidewalk and trail connections to transit stations or transit stops adjoining the property.
  - (5) Design standards for sidewalks and trails shall be prescribed by the engineer.
  - (6) Nonresidential developments having an off-street automobile parking requirement of 20 or more spaces must provide off-street bicycle parking spaces where bicycles may be parked and secured from theft by their owners. The minimum number of bicycle parking spaces required shall be five percent of the automobile parking space requirement. The design and placement of bicycle parking spaces and bicycle racks used to secure bicycles shall be subject to the approval of the city engineer. Whenever possible, bicycle parking spaces shall be located within 50 feet of a public entrance to a principal building.
- (b) The expense of the improvements set forth in subsection (a) of this section shall be borne by the applicant.

The site is limited in its size to produce meaningful sidewalk improvements; however, the plan does provide an improved pedestrian sidewalk along Valley View and a safe and improved pedestrian entrance to the new building.

### COMPLIANCE TABLE

The following page provides a compliance table that demonstrates how the proposal would comply with the existing PCD-I Standards on the lot.

	City Standard (PCD-I)	Proposed Lot line
<b>Building Setbacks</b>		
Front – Valley View	35 feet	35 feet (existing)
Front – Kellogg	35 feet	38 feet (existing)
Side – North	27-41 feet	<b>5 feet (existing &amp; proposed)*</b>
Side – East	25-41 feet	<b>22 feet (existing &amp; proposed)*</b>
<b>Parking Lot Setbacks</b>		
Front – Valley View & Kellogg	20 feet	2-10 feet proposed (existing is 0)
Side – North	10 feet	5 feet (existing)
Side – East	10 feet	0-5 feet (existing)
Building Height	2-stories & 24 feet	<b>2-3 stories &amp; 41 feet*</b> <b>(To the top of the elevator/stair/lobby)</b>
Floor Area Ratio (FAR)	1.0	.7
Parking	1 space per teacher/staff (20)  1 space per 20 individuals (7)  27 required	<b>22 spaces proposed*</b>

**\*Variances required**

### Variances

The following Variances are requested:

- A Parking stall variance from 27 spaces to 22 stalls.
- A building height variance from 24 feet to 41 feet.

Per the Zoning Ordinance, a variance should not be granted unless it is found that the enforcement of the ordinance would cause practical difficulties in complying with the Zoning Ordinance and that the use is reasonable. As demonstrated below, staff believes the proposal does meet the variance standards, when applying the three conditions:

Minnesota Statutes and Edina Ordinances require that the following conditions must be satisfied affirmatively. The Proposed Variance will:

**1) *Relieve practical difficulties that prevent a reasonable use from complying with ordinance requirements.***

Reasonable use does not mean that the applicant must show the land cannot be put to any reasonable use without the variance. Rather, the applicant must show that there are practical difficulties in complying with the code and that the proposed use is reasonable. "Practical difficulties" may include functional and aesthetic concerns.

Staff believes the proposed variances are reasonable. The practical difficulty is the small lot size, and the location the existing building. There are several existing nonconformities on the site including the building setbacks, the parking lot setbacks and the lack of green space. These conditions make it difficult to comply with City Code regulations. The proposal is an improvement over existing conditions, which includes pavement that extends to the lot lines. Green space has been added along the street and along the east lot line with arborvitae to provide screening of car headlights.

The proposed building setback is currently nonconforming. The applicant is proposing to remodel the existing structure and add a play area on the roof. The Uniform Building Code requires an elevator access to the roof. The elevator causes the need for the variance. The skinny side of the elevator faces the closest single family home to the north and is over 100 feet away from the home to the east.

The parking stall variance is reasonable based on the parking study done by Traffic Impact Group. (See attached.) The number of parking stalls proposed will support the proposed use.

**2) *There are circumstances that are unique to the property, not common to every similarly zoned property, and that are not self-created?***

Yes. As mentioned above, the unique circumstances are the small lot size and location of the building. The applicant is proposing to remodel and expand the existing structure, rather than tear down and build new. These conditions were not created by the applicant.

**3) *Will the variance alter the essential character of the neighborhood?***

No. The proposed new building would enhance the character of the neighborhood, as it is an improvement to the existing structure. The plans remodels and expands the existing structure, rather than tearing down and building new. The applicant has attempted to design the building to be architecturally similar to the proposed new condominiums that will be located east and west of New Horizon.

## **PRIMARY ISSUES/STAFF RECOMMENDATION**

### **Primary Issue**

- **Art the proposed Variances reasonable for this site?**

Yes. Staff believes the proposal is reasonable for the following reasons:

- I. The applicant could remodel the existing building and move in with no City review; only a building permit would be needed in that scenario.

2. The proposed new building would provide better service and outdoor space to the children attending the site.
3. The existing roadways and proposed parking would support the project. Traffic Impact Group conducted a parking and traffic impact study based on the proposed development, and concluded that no roadway improvements or parking improvements would be necessary as a result of the proposed plan. The proposed parking would serve the use adequately.
4. The proposal meets the Variance criteria as highlighted on pages 5-6 within this report.

### **Staff Recommendation**

Approve the parking and setback Variances at 4412 Valley View Road.

Approval is subject to the following findings:

1. The proposed land use is consistent with the Comprehensive Plan.
2. The applicant could remodel the existing building and move in with no City review; only a building permit would be needed in that scenario.
3. The proposed new building would provide better service and outdoor space to the children attending the site.
4. The existing roadways and proposed parking would support the project. Traffic Impact Group conducted a parking and traffic impact study based on the proposed development, and concluded that no roadway improvements or parking improvements would be necessary as a result of the proposed plan. The proposed parking would serve the use adequately.
5. The proposal meets the Variance criteria. The practical difficulty is the small lot size, and the location the existing building.
6. There are several existing nonconformities on the site including the building setbacks, the parking lot setbacks and the lack of green space. These conditions make it difficult to comply with City Code regulations. The proposed building setback is currently nonconforming. The applicant is proposing to remodel the existing structure and add a play area on the roof. The Uniform Building Code requires an elevator access to the roof. The elevator causes the need for the variance. The skinny side of the elevator faces the closest single family home to the north and is over 100 feet away from the home to the east.
7. The proposal is an improvement over existing conditions.

Approval is subject to the following Conditions:

1. The Final Landscape Plan must meet all minimum landscaping requirements per Chapter 36 of the Zoning Ordinance. A performance bond, letter-of-credit, or cash deposit must be submitted for one and one-half times the cost amount for completing the required landscaping, screening, or erosion control measures at the time of any building permit. The property owner is responsible for replacing any required landscaping that dies after the project is built.
3. Compliance with all of the conditions outlined in the city engineer's memo dated December 5, 2018.
4. Provision of code compliant bike racks near the building entrances.
5. Submit a copy of the Minnehaha Creek Watershed District permit. The City may require revisions to the approved plans to meet the district's requirements.
6. Roof-top mechanical equipment shall be screened from adjacent residential property and from France Avenue, per Section 36-1459 of the City Code.
8. Final Lighting Plan must meet all minimum lighting requirements per Chapter 36 of the Zoning Ordinance. Lighting shall be down lit.
9. Plans must be built per the plans dated November 9, 2018.
10. Compliance with the chief building official's memo dated November 29, 2018

**Deadline for a city decision: February 5, 2019**