

Department of Community Planning and Economic Development – Planning Division

Appeal of the Zoning Administrator
BZZ-3918

Applicant: Geoffrey Warner, on behalf of Nancy Krant and John Oliva

Address of Property: 2204 Dupont Avenue South

Contact Person and Phone: Goeffery Warner, (651) 647-6650

Planning Staff and Phone: Brian Schaffer, (612) 673-2670

Date Application Deemed Complete: January 9, 2008

Publication of Staff Report: January 18, 2008

Public Hearing: February 7, 2008

Appeal Period Expiration: February 19, 2008

End of 60 Day Decision Period: March 9, 2008

Ward: 10 Adjacent to Ward 7 **Neighborhood Organization:** East Isles Residents Association
Adjacent to Lowry Hill Residents, Inc & Lowry Hill East
Neighborhood Association

Existing Zoning: C1 Neighborhood Commercial District

Appeal of the decision of the Zoning Administrator: Geoffrey Warner, on behalf of Nancy Krant and John Oliva, is appealing the decision of the Zoning Administrator that a proposed window treatment, known as Polygal, does not meet the requirements of section 530.120 of the Zoning Ordinance regarding window clarity for a proposed window treatment on a commercial building located at 2204 Dupont Avenue South in the C1 Neighborhood Commercial District.

525.170. Appeals of decisions of the zoning administrator. All findings and decisions of the zoning administrator, planning director or other official involved in the administration or the enforcement of this zoning ordinance shall be final subject to appeal to the board of adjustment, except as otherwise provided by this zoning ordinance. Appeals may be initiated by any affected person by filing the appeal with the zoning administrator on a form approved by the zoning administrator. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed, unless the zoning administrator certifies to the board of adjustment, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The board of adjustment shall hold a public hearing on each complete application for an

CPED Planning Division Report
BZZ-3918

appeal as provided in section 525.150. All findings and decisions of the board of adjustment concerning appeals shall be final, subject to appeal to the city council as specified in section 525.180.

Background and Analysis:

The applicant is proposing to place a material known as “Polygal” over the exterior of the Specs Optical tenant space at 2204 Dupont Avenue South. The proposed material will cover a portion of the second story, an awning and the some of the storefront windows of Specs Optical. Section 530.120 of the Zoning Ordinance discusses building design, acceptable materials, and windows.

530.120. Building Design (a) Building walls. Building walls shall provide architectural detail and shall contain windows as required in this section in order to create visual interest and to increase the security of adjacent outdoor spaces by maximizing natural surveillance and visibility. In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections. Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty-five (25) feet in length. Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass. The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building. The use of plain face concrete block as an exterior material shall be prohibited where fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.

(b) Entrances and windows.

(2) 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 six-tenths (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.

CPED Planning Division Report
BZZ-3918

Minimum window area at the first floor or ground level shall be measured between two (2) and ten (10) feet above the adjacent grade. Minimum window area on walls above the first floor shall be measured between the upper surface of a floor and the upper surface of the floor above.

The Zoning Administrator determined that the proposed material does not meet section 530.120. In particular the Zoning Administrator was referring to 530.120(b)(2)d. which states “First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of six-tenths (0.6) or higher.” The proposed material is translucent, but is not clear.

The applicant has provided staff with information regarding the Polygal product. Polygal has a light transmittance ratio of 0.72 which exceeds the minimum ratio of 0.60 required by the Zoning Ordinance. The reason for the ordinance to require light transmittance of 0.60 is to prevent against dark tints that impair transparency or visibility in and out of the windows.

The proposed material, despite meeting the light transmission requirement, does not meet the clearness requirement. The photographs provided by the applicants illustrate that the ribbed texture of the product reduces the clarity of the material. Details are distorted when viewed through this ribbed product resulting in the material not being clear.

The intent of requiring clear windows is to present a pedestrian friendly environment that allows for views into and out of buildings. Having clear windows assures natural surveillance and an inviting pedestrian environment. This element of the zoning ordinance is directly related to policy set forth in the Minneapolis Comprehensive Plan.

Chapter 9.11 of the 2000 Comprehensive Plan states: *Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.* This policy has the following implementation step regarding storefront windows: *Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.* This same policy and implementation step is also included in the 2008 Comprehensive Plan Update in section 8.10.6.

Recommendation of the Department of Community Planning and Economic Development - Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the Board of Adjustment **deny** the appeal of the decision of the Zoning Administrator that a proposed window treatment, known as Polygal, does not meet the requirements of section 530.120 of the Zoning Ordinance regarding window clarity for a proposed window treatment on a commercial building located at 2204 Dupont Avenue South in the C1 Neighborhood Commercial District.

Attachments

1. Map of Area
2. Applicant’s Statement and pictures.