

**Department of Community Planning and Economic Development – Planning Division**  
Appeal of the Decision of the Zoning Administrator  
BZZ-4805

**Date:** July 19, 2010

**Applicant:** Mississippi Watershed Management Organization

**Address of Property:** 2522 Marshall Street NE

**Project Name:** Mississippi Watershed Management Organization Headquarters Building

**Contact Person and Phone:** Teresa Sterns, (651) 310-0128

**Planning Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** May 26, 2010

**End of 60-Day Decision Period:** July 25, 2010

End of 120-Day Decision Period: On June 24, 2010, staff sent a letter to the applicant extending the decision period for an additional 60 days, to no later than September 23, 2010.

**Ward:** 1      **Neighborhood Organization:** Marshall Terrace

**Existing Zoning:** C2 Neighborhood Corridor Commercial District, SH Shoreland Overlay District, FP Floodplain Overlay District

**Lot Area:** 55,755 square feet

**Zoning Plate Number:** 9

**Legal Description:** Not applicable for this application

**Proposed Use:** Office

**Appeal of the decision of the Zoning Administrator- As it relates to conditions of approval for an administrative site plan review application:**

**530.60. Administrative site plan review.** The zoning administrator shall conduct the administrative review of all applications for administrative site plan review. All findings and decisions of the zoning administrator shall be final, subject to appeal to the city planning commission, as specified in Chapter 525, Administration and Enforcement.

**Background and Analysis:** The Mississippi Watershed Management Organization has

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submitted an application to appeal conditions of approval for an administrative site plan review for property at 2522 Marshall Street NE. The existing use of the subject property is an office. The applicant is proposing to demolish the existing building and construct a new building with approximately 11,795 square feet of gross floor area. The new building is divided into two sections connected by an elevated skyway. The main portion of the building is located in the northeast corner of the site and is 9,935 square feet. The second part of the building is 1,860 square feet and contains a large garage space with lab and storage space in the rear. In addition to demolishing the existing building, the project includes the removal of a portion of a large parking area on the west side of the property. The parking area will be replaced with a rainwater garden, native grasses and other vegetation in this area. The portion of the parking lot that is located within the floodplain and within 40 feet of the top of a steep slope will be retained but not used, as no access is provided to this area.

The administrative site plan review was approved on June 11, 2010 with 16 conditions of approval. The applicant is appealing six of the conditions of approval, including the following:

- 3) The main portion of the building shall be moved to the east, resulting in a front yard setback no greater than 15 feet, consistent with Section 530.110 of the zoning code. The south portion of the structure shall be moved to the west to achieve a setback that is equal to or greater than the front building wall of the remainder of the structure.
- 4) The entire on-site parking area, including driveways, shall be located behind the front building wall of the structure, in compliance with Section 530.110 of the zoning code.
- 5) The main entrance shall be relocated to the front of the building, facing Marshall Street NE and be clearly defined, in accordance with Section 530.120 of the zoning code.
- 6) The proposed cistern shall be relocated on the property so as to not be in front of the building.
- 10) The north elevation of the main building portion shall be modified to eliminate blank walls in excess of 50 feet, consistent with Section 530.120 of the zoning code.
- 11) The living wall proposed for the east elevation shall contain evergreen plant materials to provide greenery during winter months.

The applicant has submitted revised, sketch plans indicating compliance with the remaining conditions of approval. These revised plans include a water monitoring use on the east side of the garage space, activating this part of the building. This application was reviewed at CPC Committee of the Whole on July 1, 2010. An addendum was submitted by the applicant after this meeting, indicating that they also intend to comply with conditions #10 and #11. The appellant's complete statement of the action being appealed and reasons for the appeal are attached to the staff report.

**Findings:**

- 1) The first condition appealed, condition #3, relates to the front yard setback. Section 530.110 of the zoning code calls for the placement of buildings to reinforce the street wall by placing the first floor of buildings no more than 8 feet from the front lot line. The proposed site plan shows the main portion of the building at a setback of 36 feet from the front lot line, along Marshall Street. The south portion of the building, which is proposed to primarily consist of garage space, is closer to the front lot line at 4-foot setback. The existing building on the site is setback 7 feet from the front lot line. Staff has recommended that the main portion of the building maintain a setback no greater than 15 feet, with the south portion of the building maintaining a setback that is equal to or greater than the remainder of the building. The setbacks required in this condition would provide active functions near the street.

The applicant is requesting a greater setback in order to locate tree planters with runnels and a cistern between the principal building and Marshall Street. While the landscaping proposed in this area will create an attractive amenity between the building and the public street, staff does not recommend granting alternative compliance for the significant setback proposed from the principal structure to the front lot line. The appeal statement submitted by the applicant states that the condition relating to the building setback would compromise their ability to demonstrate stormwater management practices on site. The site is over an acre in size and therefore large enough to accommodate the stormwater management demonstration elsewhere on the site. The applicant has also cited the *Above the Falls* Plan, specifically the guidance for the property to the north to become park land. Staff believes the required condition will allow the site plan to remain consistent with the *Above the Falls* Plan while respecting the intent of the site plan review standards. A setback of 15 feet will still require alternative compliance, but will reinforce the street wall and create a design that is more characteristic of adjacent properties fronting on Marshall Street, while still allowing for some of the proposed landscaping and stormwater functions.

In the appeal statement submitted, the applicant further asserts that the proposed building location is necessary to accommodate solar access. There is an additional condition of approval requiring the applicant to add windows to the south-facing elevation of the garage and lab area. The applicant has submitted revised sketch plans showing additional windows to meet this condition. The garage portion of the building is attached to the rest of the building via a skyway connection. If the main portion of the building were moved to the east, overlapping with the garage area, the windows in the garage/lab area would still allow for solar access.

- 2) The applicant has also appealed condition #4, which requires the entire on-site parking area, including driveways, to be located behind the front building wall of the structure, in compliance with Section 530.110 of the zoning code. It is anticipated that if the garage portion of the building is moved to the west as required in condition #3, a portion of the parking area may extend further in to the front yard than the front building wall. This condition refers only to the parking area located on the site. The appeal statement submitted by the applicant cites a shared parking agreement between the MWMO and the property to the south, Tony Jaros' River Garden. While the shared parking agreement will limit surface

parking on site, minor modifications can be made to the site to shift the on-site parking area to the west and therefore comply with the condition of approval.

- 3) Condition #5 of the administrative site plan approval requires the main entrance of the building to be relocated to the front of the building, facing Marshall Street NE, in compliance with Section 530.110 of the zoning code. This condition, which has been appealed, also requires the entrance to be clearly defined, as required in Section 530.120 of the zoning code. The proposed site plan has the main entrance to the building oriented to the south, opening on to an interior patio. The appeal statement submitted by the applicant cites the fact that the entrance vestibule occupies a portion of the front building wall. However, the entry door itself faces the south and is not visible from the front yard. The condition regarding the entry door location would not prohibit the south-facing door, but requires an additional door that faces Marshall Street NE. A front-facing principal entrance will facilitate pedestrian access and circulation without requiring a drastic alteration to the building design.
- 4) The applicant has appealed condition #6, which requires the proposed cistern to be relocated on the property so as to not be in front of the building. CPED-Planning Division staff does not find the proposed cistern to be an appropriate amenity between the building and the front lot line. Furthermore, alternative compliance has been requested to allow a front yard setback greater than 8 feet to accommodate stormwater features, including the cistern. Again, the applicant has cited their desire to use the site to demonstrate best management practices in stormwater management and environmental stewardship. Staff believes that it is possible for the cistern to be located elsewhere on this 1.29 acre site without detracting from the Watershed Management Organization's ability to do stormwater management presentations.
- 5) Condition #10, regarding blank walls on the north elevation, has also been appealed by the applicant. Section 530.120 of the zoning code prohibits blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, in excess of 25 feet in length. The north elevation of the main portion of the structure is entirely blank on the first floor with no windows or material changes. This side of the building faces an adjacent industrial use and is setback 12 feet from the property line. This elevation will be visible to traffic traveling south on Marshall Street. The condition of approval on this issue requires the north elevation to be modified to eliminate blank walls in excess of 50 feet. Staff is granting alternative compliance to allow blank walls up to 50 feet in length, in lieu of the 25 foot limitation in the site plan review chapter, due to the fact that this wall faces an interior lot line.

Based on feedback received at the July 1<sup>st</sup> Committee of the Whole meeting, the applicant submitted an addendum indicating that they intend to comply with this condition of approval. Specifically, visual interest will be added to the north elevation in the form of panels painted to look like windows as part of an art project related to the MWMO's educational program offerings. The applicant will also modify this elevation to include a 10 foot thickening of the wall at the center, 6 inches out from the surface of the wall, faced with a contrasting material.

- (6) The final condition that has been appealed is condition #11, requiring evergreen plant materials in the living wall proposed on the east elevation. This condition was required to mitigate the impact of the blank wall proposed on this elevation during winter months.

The addendum submitted by the applicant indicates that the proposed development will comply with this condition. The landscape plan includes Bittersweet vines, which will be planted on the green screen to add winter interest. Furthermore, windows are now proposed on this elevation which eliminates any blank walls in excess of 25 feet.

### **RECOMMENDATIONS**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the appeal of the decision of the zoning administrator:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the appeal of the decision of the zoning administrator for property at 2522 Marshall Street NE.

#### **Attachments:**

- 1) Staff report for administrative site plan review
- 2) PDR report
- 3) Appeal statement
- 4) Supplemental sketch drawings submitted with appeal application
- 5) Statement of proposed use and description of the project
- 6) Zoning map
- 7) Site plan and landscaping plan
- 8) Building elevations
- 9) Floor plans
- 10) Photos of site and surrounding areas