

## GENERAL INFORMATION

Applicant: Alidade Cedar LLC (Owner)  
Douglas Feickert - Colliers International (Applicant)

Location: 1701 and 1801 American Boulevard East

Request: Variance to reduce the minimum setback from the planned widened right-of-way line from 20 to 15 feet for a parking lot expansion at an existing office/warehouse building

Existing Land Use and Zoning: Zoned FD-1 (AR-22), Freeway Development (Airport Runway)

Surrounding Land Use and Zoning: North and west – Hotel, zoned FD-1 (AR-22)(PD), Freeway Development (Airport Runway)(Planned Development)  
East – Office, zoned FD-1, Freeway Development  
South – Multi-family residential, zoned R-4, Multiple-family Residential

Comprehensive Plan Designation: Office

## HISTORY

City Council Action: 12/02/02 – Approved a variance to reduce the front setback of a freestanding sign from the planned widened right-of-way line from 20 feet to 10 feet. (Case 8810A-02).

10/24/06 – Approved a variance to reduce the front setback of a freestanding sign from the planned widened right-of-way line from 20 feet to 10 feet. (Case PL2016-170).

## CHRONOLOGY

Hearing Examiner Agenda: 05/01/2018 – Recommended approval.

City Council Agenda: 05/07/2018 – Tentative Consent Agenda

## **DEADLINE FOR AGENCY ACTION**

Application Date:	03/29/2018
60 Days:	05/28/2018
Extension Letter Mailed:	No
120 Days:	07/27/2018
<b>Applicable Deadline:</b>	<b>05/28/2018</b>
Newspaper Notification:	Confirmed – (04/19/2018 Sun Current – 10 day notice)
Direct Mail Notification:	Confirmed – (200 buffer – 10 day notice)

## **STAFF CONTACT**

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## **PROPOSAL**

The applicant requests a variance to reduce the required front yard setback from the planned widened right-of-way from 20 feet to 15 feet along American Blvd for a parking lot expansion. There are 32 existing parking spaces located in the required planned widened right-of-way setback. The expansion extends the parking east and west into the proposed setback to match the existing stalls. A total of 21 new spaces would be provided, seven west and 14 east of the access drive. The proposed spaces would maintain a setback of 38 feet from the existing property line.

## **ANALYSIS**

The planned widened right-of-way along American Boulevard is 60 feet from centerline. Currently, the American Boulevard right-of-way is 37 feet from the centerline to the south. The planned right-of-way extends an additional 23 feet to the south. City Code Section 21.301.06(b)(2)(I)(i) requires a 20 foot parking setback. Section 19.08(b)(2) requires “All setbacks from public streets or proposed public streets shall be measured from the planned widened rights-of-way in accordance with the Master Street Plan of the city”. The proposed parking lot must be setback 43 feet from the existing property line to be Code compliant. The variance request is for a 15 foot setback from the planned widened right of way (38 feet from the existing right of way line), which is a five foot encroachment into the required 20 foot setback from the planned widened rights-of-way.

The parking expansion would continue the existing row of parking spaces along American Boulevard. The existing and proposed 90-degree parking spaces are 9 feet by 18 feet and the drive aisle width is approximately 26 feet wide. The purpose of the 20 foot setback is to preserve land area for a

sidewalk/bikeway and landscaping along the public street. The existing 32 parking spaces along American Boulevard were established at the 15 foot setback from planned widened right of way. The existing encroachment is 290 feet wide, or 45 percent of the existing frontage. The expansion would add 21 spaces and 185 feet, 28 percent of additional frontage along the 15 foot setback.

Based on Assessing's data on the office/warehouse use mix of both 1701 and 1801 American Blvd, the site has a Code compliant quantity of available parking, see Figure 1. The applicant stated there would be a total of 464 parking stalls proposed, with a total of 355 parking stalls required. The applicant is addressing parking concerns for the office/warehouse where the true parking demand exceeds the City Code requirement.

**Figure 1: Parking Analysis for the office/warehouse use at 1701 and 1801 American Blvd**

Use Description	Square Feet (sq. ft.)	Required
Office	39,856 sq. ft. (1701) and 53,478 sq. ft. (1801)	140 stalls (1701) and 189 stalls (1801)
Warehouse	13,902 sq. ft. (1701) and 12,059 sq. ft. (1801)	14 stalls (1701) and 12 stalls (1801)
<b>Total parking requirement by City Code</b>		<b>355 stalls</b>
<b>Parking Proposed</b>		<b>464 stalls</b>

Subject to variance approval, the applicant must submit an application for administrative Final Site and Building Plan approval. At that time, other Code requirements would be reviewed. A few items to note include the City Code requires a three-foot screen of parking stalls when adjacent to the public street. The submitted landscaping plan shows a row of shrubs that provide screening. In addition, each parking lot island must have one tree. A revised landscaping plan must be submitted to show the revised changes.

City Code requires the parking islands to be three feet shorter than the adjacent parking space to promote ingress and egress. The submitted site plan shows the parking lot islands to be a few feet longer than the adjacent parking stall. A condition is included to provide Code compliant parking islands.

The City Code requires a minimum of 1.5 foot-candles on the parking surface with up to a five percent reduction allowed for perimeter 25 feet of parking, loading, access or other surfaced areas along the property line. All new parking must comply when it is installed and the entire lot must comply by December 31, 2020. A revised lighting plan must be submitted to ensure compliance with Section 21.301.07.

As stated, a primary purpose of the front yard area is to ensure adequate area is provided for a sidewalk or bikeway and landscaping. While there is no requirement for right-of-way dedication at this time, the need for adequate sidewalk/bikeway easement is important. Therefore, as part of the variance, an additional 9 foot sidewalk/bikeway easement south of the current 15-foot sidewalk/bikeway easement

is required to minimize any issue with the encroachment into the setback. A condition has been added for clarity.

In addition, there are no current plans for right-of-way improvement that may impact the existing parking. Staff supports the parking expansion yet is concerned that future transportation needs may require partial acquisition of additional right of way. Any compensation for the loss of the parking would be limited to the parking as it exists today. The proposed parking is not required to satisfy a Code requirement.

Given the 23 feet of planned widened right-of-way, the topography, and the existing parking lot layout, there is no feasible location for parking expansion that would meet the required setback. The encroachment into the yard area, would not impact the planned multi-use trail installation provided the 9-foot easement is provided. Therefore, the proposed location is the most reasonable location on the property.

On May 1, 2018, the Hearing Examiner recommended approval of the proposed variance.

## FINDINGS

### Required Variance Findings – Section 2.85.04 (g)(1)(A-F)

Required Finding	Finding Outcome/Discussion
(A) ... the variance is in harmony with the general purposes and intent of the ordinance	<b>Finding Made</b> –The City Code recommends appropriate setbacks for the orderly and safe development along streets. Parking that meets the on-site demands minimizes the impact on the public right-of-way and adjoining properties. The proposed location for parking expansion with a setback matching the existing parking spaces would have a minimal impact on the future right-of-way while providing beneficial parking expansion. The parking would be 38 feet from the existing property line so a more than adequate landscape yard will be provided until the road is expanded.
(B) ... the variance is consistent with the Comprehensive Plan.	<b>Finding Made</b> - Granting a setback variance for the proposed parking expansion to accommodate the use while creating minimal impact on future planned street improvement is consistent with enhancing older office/warehouse sites in Bloomington. Granting the requested variance for a proposed parking expansion is consistent with the Comprehensive Plan.
(C) ... the applicant for the variance establishes that there are practical difficulties in complying with the zoning ordinance. Economic considerations alone do not constitute practical difficulties.	<b>Finding Made</b> - The established office warehouse use has a greater parking demand than the applicant may accomplish on-site. Without a variance, the impact of the parking may encroach onto adjoining properties or residential streets to the south. The existing stalls within the planned right-of-way were installed in compliance with the original building construction. The proposed parking stalls would be an extension of the existing stalls along

	American Boulevard. The current design of the parking lot represents a practical difficulty in the design of an expansion.
(D) ... The property owner proposes to use the property in a reasonable manner not permitted by the zoning ordinance.	<b>Finding Made</b> – Responding to market demands to add parking is reasonable and the proposed location is the most reasonable location on the property to do so.
(E) ... The plight of the landowner is due to circumstances unique to the property not created by the landowner.	<b>Finding Made</b> – The larger than typical boulevard and need for future right-of-way are not the result of actions by the applicant and are not present on most properties.
(F) ... The variance if granted will not alter the essential character of the locality.	<b>Finding Made</b> – Given that the parking expansion aligns with the existing parking area and given that a 38 foot setback will be retained under the street is expanded, the variance is not anticipated to alter the character of the area.

## RECOMMENDATION

The Hearing Examiner and staff recommend the following motion:

In Case PL2018-113, having been able to make the required findings, I move to approve a variance to reduce the minimum setback from the planned widened right-of-way line from 20 to 15 feet for a parking lot expansion at an existing office/warehouse building at 1701 and 1801 American Boulevard East, subject to the following conditions:

1. The encroachment must be as shown on the approved plans in Case PL2018-113.
2. Final Site and Building Plans must be approved prior to the parking expansion occurring.
3. A parking lot permit for all required changes to accommodate the proposed use be obtained.
4. An additional 9 foot sidewalk/bikeway easement be provided as approved by the City Engineer.
5. Should additional right-of-way be required that impacts the parking lot, compensation will not be provided for the proposed parking covered under the variance.