

Planning Commission

July 13, 2020 – 7 pm

REGULAR MEETING AGENDA

This meeting will be held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. The public may monitor this meeting by watching on Comcast cable channel 16, by streaming on CCXmedia.org, or by calling 1-415-655-0001 and entering the meeting code 133 702 7832.

Additional information about monitoring electronic meetings is available on the [City website](#). For technical assistance, please contact the City at 763-593-8007 or webexsupport@goldenvalleymn.gov. If you incur costs to call into the meeting, you may submit the costs to the City for reimbursement consideration.

1. Call to Order

2. Approval of Agenda

3. Approval of Minutes

June 22, 2020, Regular Planning Commission Meeting

4. Informal Public Hearing – Zoning Text Amendment – Revising the Density Range of the Medium Density Residential (R-3) Zoning District

Applicant: City of Golden Valley

5. Informal Public Hearing – Zoning Map Amendments – Rezoning Properties to Achieve Conformance with the 2040 Comprehensive Plan

Applicant: City of Golden Valley

6. Discussion – Architectural and Material Standards for Mixed Use Properties

7. Discussion – Fences, Screening, and Garden Structures

– End of Televised Portion of Meeting –

To listen to this portion, please call 1-415-655-0001 and enter meeting access code 133 702 7832

8. Council Liaison Report

9. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings

10. Other Business

11. Adjournment



This document is available in alternate formats upon a 72-hour request. Please call 763-593-8006 (TTY: 763-593-3968) to make a request. Examples of alternate formats may include large print, electronic, Braille, audiocassette, etc.



Planning Commission

June 22, 2020 – 7 pm

REGULAR MEETING MINUTES

This meeting was held via Webex in accordance with the local emergency declaration made by the City under Minn. Stat. § 12.37. In accordance with that declaration, beginning on March 16, 2020, all Planning Commission meetings held during the emergency were conducted electronically. The City used Webex to conduct this meeting and members of the public were able to monitor the meetings by watching it on Comcast cable channel 16, by streaming it on CCXmedia.org, or by dialing in to the public call-in line. The public was able to participate in this meeting during public comment sections, by dialing the public call-in line.

1. Call to Order

The meeting was called to order at 7:00 by **Chair Blum**.

Roll Call

Commissioners present: Rich Baker, Ron Blum, Adam Brookins, Andy Johnson, Lauren Pockl, Ryan Sadeghi, Chuck Segelbaum,

Commissioners absent: None

Staff present: Jason Zimmerman – Planning Manager, Myles Campbell – Planner

Council Liaison present: Gillian Rosenquist

2. Approval of Agenda

Chair Blum asked for a motion to approve the agenda.

MOTION made by **Commissioner Baker**, seconded by **Commissioner Johnson** to approve the agenda of June 22, 2020, after corrections are made. Staff called a roll call vote and the motion carried unanimously.

3. Approval of Minutes

Chair Blum asked for a motion to approve the minutes from June 8, 2020.

Commissioner Baker asked for edits to the minutes on page 3 regarding a title error, an edit to a statement he made, and a change to who made a statement. Chair Blum made an edit to the first page, noting the order of when items occurred needed to be edited.

MOTION made by **Commissioner Pockl**, seconded by **Commissioner Brookins** to approve the May 27, 2020 meeting minutes. Staff called a roll call vote and the motion carried unanimously.

4. Continued Item – Zoning Code Text Amendment - Proposed Adjustments to Narrow Lot Regulations

Jason Zimmerman, Planning Manager, gave a brief introduction on the City Council request, and highlighted a few items of public concern that were not actually included in this amendment.



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Zimmerman displayed the list of items reviewed at the June 8th meeting and reminded the group that the meeting was continued to today was because of discussion around second story dormers; he reviewed what is currently allowed and what the proposed changes are.

Second story dormers:

- Currently allowed, but must be within building envelope
- Proposed change:
 - Allow second story dormers to extend outside of building envelope in limited amounts
 - (+) Breaks up the shading that falls on adjacent properties
 - (+) Creates more interesting architectural features on new homes
 - (-) More complicated framing (more expensive)

Zimmerman expanded on dormers by discussing shed dormers and gable dormers, as well as the regulations when building them in to a second floor. Staff created a number of stills, mimicking shadows on and around a property when dormers are in place. Of particular concern to Commissioners was the amount of potential shade dormers would create, so staff showed examples of three times in the year: Summer Solstice, Fall Equinox, and Winter Solstice, utilizing actual location coordinates of a narrow lot and its neighbor. Displayed were examples of the current regulations, then what the shading would look like with both types of dormers on the home on the narrow lot.

Zimmerman moved on to address the previous meeting and the public hearing. He captured the number of comments, those from folks who live on narrow lots and otherwise. He listed the neighborhoods where most of the commenters live and their proximity to a narrow lot. He reminded the group of the three phone calls that came in during the hearing and listed the top five themes addressed in public comment.

Zimmerman ended by recapping the eight proposed changes and staff recommendation.

Commissioner Johnson asked staff if the shading models would become the standard for future discussion around massing or density. **Zimmerman** responded that shading was just one of the pieces considered when looking at topics like the one today. City Council specifically requested the Commission and staff look at ways to reduce impacts of narrow lots and shading happened to be one of those impact reduction items reviewed.

Commissioner Segelbaum asked how the sizes of the houses were determined in the shading model. **Zimmerman** responded that they mimicked the two real homes, both on narrow lots, as closely as possible. **Myles Campbell, Planner**, displayed a model showing the dormer options next to current regulations. **Baker** pointed out two bungalows next to each other and noted the level of shading in winter, adding that dormers do not drastically add to the shading at this particular time of year. **Commissioner Pockl** asked to be reminded how much additional usable space is provided on each dormer. **Zimmerman** stated there are a lot of variables but it's somewhere between a half and a full second story. Staff added that people tend to want a full second floor but there are houses in Golden Valley that utilize dormers. Staff surmised that gable dormers tend to be used less for added space and more for adding natural light. The conversation continued around dormers, height options, split level homes, and other options to gain floors without adding height.

Baker apologized to the Commissioners and the public for addressing the dormers so late in this process. He remains concerned that the approach to building on narrow lots may be flawed because it assumes any new home must be of a certain square footage and must have a full second floor. **Baker** said he remains convinced that houses of that assumed size may be beyond what's suitable for the smaller lots. He also said that the group should pass along to City Council that the City should focus and build smaller starter homes on smaller lots, this will create housing equity. **Commissioner Sadeghi** said he thinks the group was getting too specific on percentages of building items and staff has done a great job finding the right balance for the city code. The real issue at hand is the subdivision of lots and that should be where the focus is. He's concerned that the group may create too restrictive of a code and make it too hard for owners to either rebuild on their property or to do renovations. **Sadeghi** added that he remains firm on the stance he had two weeks ago on this issue. The conversation continued around reducing impact and harm to existing homes and neighborhoods as a whole.

The discussion circled back to dormers and potentially changing the percentages or removing dormers all together. When looking at the dormer plan as presented by staff, three Commissioners stated they were opposed: Baker, Blum, Pockl. **Brookins** stated his support of staff recommendation as did Johnson and Sadeghi. **Johnson** added that if moving the shed dormer percentage from 50% to 40% would help the vote, he recommends the group change that percentage amount in order to move the recommendation to Council. Commissioners continued their discussion and included staff on clarifications and shading examples.

Chair Blum thanked the Commissioners for the long process and quality discussions on this item. He added a thank you to everyone who had a public comment and contributed points that helped the discussions occur. **Baker** added that he wants the Council to consider equity in housing as a modifier.

MOTION made by **Commissioner Baker** and seconded by **Commissioner Brookins** to adopt the recommendation made by staff with two conditions: shed dormers be limited to a 40% maximum and that the Planning Commission ask Council to reconsider aspects of building for the future and housing equity in addressing how the City's few smallest lots should be developed.

Segelbaum asked that the housing equity recommendation be a second motion.

MOTION WITHDRAWN by **Commissioner Baker**

MOTION made by **Commissioner Baker** and seconded by **Commissioner Brookins** to adopt the recommendation made by staff with the condition that a home have a shed dormer regulation of 40% maximum.

Staff took a roll call vote and it passed 5-2.

Aye: Baker, Brookins, Johnson, Sadeghi, Segelbaum

Nay: Blum, Pockl

MOTION made by **Commissioner Baker** and seconded by **Commissioner Segelbaum** that the Planning Commission ask Council to reconsider use of small lots in terms of building for the future and creating housing equity in Golden Valley.

Staff took a roll call vote and it passed 5-2

Aye: Baker, Johnson, Pockl, Sadeghi, Segelbaum

Nay: Brookins, Blum

Televised portion of the meeting concluded at 9:08 pm

5. Council Liaison Report

Council Member Rosenquist updated the Commission on the City Council discussion around housing and equity and reported that the HRA would be more active in the future. The Rising TIDES task force had provided the Council with some recommendations and action on those recommendations would be coming soon. The City would also be moving forward to hire an Equity, Inclusion, and Volunteer Manager. She reported on the variance appeals that were heard at the June 16 City Council meeting and that the DMV would be opening by appointment only. Also, staff had produced a CORR plan for addressing safety during the pandemic.

Commissioner Segelbaum asked about the response to temporary outdoor dining.

6. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals, and other meetings

None.

7. Other Business

Zimmerman informed the Commissioners that the City Council, at its meeting reviewing the work of the Board of Zoning Appeals, had suggested that they would like to explore having a set representative or two from the Planning Commission that would handle all BZA meetings. This direction was intended to create more consistency at BZA meetings and allow the representative Commissioner to develop a greater background with the operations of the Board. Commissioners were hesitant to leave behind the rotation method that had been adopted in recent years, as it helped balance the additional burden of a third meeting each month. Commissioners Brookins and Sadeghi both volunteered to attend more meetings if that was the direction from the Council. Zimmerman stated that he would go back to City Council and let them know the first preference of the Commissioners was to keep the existing format of rotating members.

8. Adjournment

MOTION made by **Commissioner Pockl**, seconded by **Commissioner Brookins** and the motion carried unanimously to adjourn the meeting at 9:25 PM.

Adam Brookins, Secretary

Amie Kolesar, Planning Assistant

DRAFT



MEMORANDUM
Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: July 13, 2020
To: Golden Valley Planning Commission
From: Jason Zimmerman, Planning Manager
Subject: Informal Public Hearing – Zoning Text Amendment – Revising the Density Range of the Medium Density Residential (R-3) Zoning District

Summary

With the adoption of the City’s 2040 Comprehensive Plan in February of 2020, Golden Valley committed to considering certain zoning text amendments in order to fulfill policy objectives included in the document. One such revision is to the density range allowed within the existing Medium Density Residential (R-3) Zoning District.

Background

As part of the required analysis of the City’s land use map in the 2040 Comprehensive Plan, the Metropolitan Council reviewed the density ranges for each residential land use within the community. The amount of land assigned to each residential land use, coupled with the maximum densities allowed, must sum to demonstrate that there is the capacity for growth forecasted by the Met Council to take place by 2040.

The table below shows the density ranges of the land uses included in Golden Valley’s 2040 Plan as well as for the corresponding Zoning Districts.

2040 Comprehensive Plan	Zoning Code (existing)
<i>Low Density Residential</i> Up to 5 units per acre	<i>Single Family (R-1)</i> 1 unit on a minimum 10,000 square feet lot or about 4 units per acre
<i>Moderate Density Residential</i> 5 to 8 units per acre	<i>Moderate Density (R-2)</i> Up to 8 units per acre
<i>Medium Density Residential</i> 8 to 30 units per acre	<i>Medium Density (R-3)</i> Maximum of 10 units per acre or 12 units per acre with a density bonus

	Maximum of 20 units per acre for senior/disability housing with a CUP
<i>High Density Residential</i> 20 to 100 units per acre	<i>High Density (R-4)</i> Maximum of 50 units per acre or 70 units per acre for senior/disability housing Maximum of 100 units per acre with a CUP

The upper end of the density allowed in the R-3 Zoning District is currently below that which has been adopted in the Comp Plan. Staff is recommending the City adjust the density range to bring the zoning regulations into alignment.

Analysis

During the preparation for the writing of the land use chapter of the Comp Plan, staff researched the existing R-3 and R-4 properties across the city and used GIS data to calculate the current densities. Surprisingly, many of the properties zoned R-3 exceeded the maximum density allowed under current zoning. The table below shows a simplified version of this research.

Development	Density	Type	PUD	Current Zoning	Proposed Zoning
Briarwood Apartments	6		Yes	R-3	R-3
Skyline Plaza	7.2			R-4	R-3
Laurel Ponds	7.3			R-3	R-3
Briarwood Townhomes	9.3		Yes	R-3	R-3
Brookview Condominiums	9.9			R-3	R-3
Hidden Village	10.2		Yes	R-3	R-3
Sourthwirth Park	10.4			R-4	R-3
Duluth Street Flats	10.5			R-3	R-3
Trentwood	11.1			R-3	R-3
Colonial Apartments	11.3		Yes	R-3	R-3
Crossroads Apartments	11.4			R-3	R-3
West End Apartments	11.7			R-3	R-3
Valley View Apartments	12.4			R-3	R-3
Laurel at West End	14.9		Yes	R-3	R-3
Mallard Creek	15.9		Yes	R-3	R-3
Medley Hills Condos	16.2		Yes	R-3	R-3
Wesley Commons 1	16.3		Yes	R-3	R-3
West End Trails	16.9			R-3	R-3
Valley Village Apartments	17.1			R-3	R-3
Dover Hills	17.6		Yes	R-3	R-3
Copa Cabana	17.6			R-3	R-3
Wesley Commons 2	18.2		Yes	R-3	R-3
Villa on Bassett Creek	19.4			R-3	R-3
Valley Square Townhomes	19.5		Yes	R-3	R-3

Valley Creek West	19.6			R-3	R-3
The Laurel	19.7			R-3	R-3
Cornerstone Creek	20.1	Disability	Yes	R-4	R-4
The Liberty	22.5		Yes	R-4	R-4
Sunrise	40.3	Senior Care	Yes	R-4	R-4
Covenant Manor	48.2	Senior Mixed	Yes	R-4	R-4
Talo	52		Yes	I-394	R-4
Calvary	53.2	Senior	Yes	R-4	R-4
Meadow Ridge	55.5	Senior Care	Yes	I-3	R-4
Central Park West	57.2		Yes	Office	R-4
Flourish	63.3	Senior Mixed		R-4	R-4
Xenia	63.7		Yes	I-394	R-4
Hello	66.9		Yes	R-4	R-4
Arcata	81.1		Yes	I-394	R-4
Global Pointe Senior	99	Senior Care	Yes	I-394	R-4

With the current maximum R-3 density set at 10 units per acre (or 12 if certain density bonuses are applied), at least 14 of the 24 R-3 zoned properties exceed the maximum (shown in yellow above). Staff believes this is a remnant of how multifamily buildings were originally regulated in Golden Valley, which was by building height instead of by density. Regardless, adjusting the maximum density allowed in the R-3 district would not only achieve consistency with the Comp Plan, but would also correct the current non-conformities.

To that end, staff recommends increasing the maximum density for the R-3 zoning district to be 20 units per acre or 30 units per acre for senior/disability housing. Further, staff recommends removing the three density bonus provisions in the code so as to simplify regulations.

The first of these, which grants an increase of two units per acre to any multifamily building that provides one or more underground parking stalls per unit, is less relevant today in a redevelopment world where underground parking is almost always needed in order to allow the number of units to make a project work financially (i.e., land is too valuable to leave as large areas of surface parking).

The second, which grants an increase of one unit per acre to any multifamily building located within 1,000 of a public transit route, was more applicable when undeveloped land was being targeted for higher density development, as a developer had the option to locate near a transit route. Now, sites where multifamily buildings could be located are already established and so the choice to utilize transit is limited.

Finally, a third density bonus of two units per acre is related to the provision of private recreation facilities at an investment level of at least five percent of the construction costs of the principal structure. While providing recreation facilities is a worthy goal, tying the density bonus to the

construction costs of the both the facility and the building makes tracking and enforcement difficult.

2040 Comprehensive Plan	Zoning Code (proposed)
<i>Low Density Residential</i> Up to 5 units per acre	<i>Single Family (R-1)</i> 1 unit on a minimum 10,000 square feet lot or about 4 units per acre
<i>Moderate Density Residential</i> 5 to 8 units per acre	<i>Moderate Density (R-2)</i> Up to 8 units per acre
<i>Medium Density Residential</i> 8 to 30 units per acre	<i>Medium Density (R-3)</i> Maximum of 20 units per acre or 30 units per acre for senior/disability housing
<i>High Density Residential</i> 20 to 100 units per acre	<i>High Density (R-4)</i> Maximum of 50 units per acre or 70 units per acre for senior/disability housing Maximum of 100 units per acres with a CUP

Should the Commission desire to retain any of the density bonuses, staff would recommend adjusted the density range downwards to 18 units per acre and retain a cap at 20 units per acre. Doing so would likely leave some R-3 zoned properties as non-conforming with respect to density.

Recommendation

Staff recommends amending the text of the Medium Density Residential (R-3) Zoning District to increase the maximum densities allowed as detailed in the attached document.

Attachments

Underlined/Overstruck Language for Sec. 113-90: Medium Density Residential (R-3) Zoning District (2 pages)

Sec. 113-90. - Medium Density Residential (R-3) Zoning District.

(a) *Purpose.* The purpose of the Medium Density Residential (R-3) Zoning District is to provide for medium density housing (up to 20 ~~10~~ units per acre for multifamily dwellings and up to 30 units per acre for senior and disability housing with potential for 12 units per acre with density bonuses) along with directly related and complementary uses. ~~Senior and disability housing is permitted to a density of 20 units per acre or up to five stories or 60 feet in height with a conditional use permit.~~

[...]

(c) *Principal Uses.* The following principal uses shall be permitted in the R-3 Zoning District:

- (1) Townhouses, consistent with the City's Mixed-Income Housing Policy
- (2) Two-family dwellings, consistent with the City's Mixed-Income Housing Policy
- (3) ~~Multiple-family dwellings of up to 20~~ 10 units or less per acre with the potential of 12 units per acre with density bonuses, consistent with the City's Mixed-Income Housing Policy
- (4) Senior and disability housing up to ~~30~~ 10 units per acre ~~with the potential for 12 units per acre with density bonuses~~, consistent with the City's Mixed-Income Housing Policy
- (5) Foster family homes
- (6) Group foster family homes
- (7) Residential facilities serving up to 25 persons; and
- (8) Essential services, Class I.

[...]

(e) *Conditional Uses.* The following conditional uses may be allowed after review by the Planning Commission and approval by the City Council in accordance with the standards and procedures set forth in this chapter:

- (1) Senior and physical disability housing ~~to a density of 20 per acre~~, consistent with the City's Mixed-Income Housing Policy, ~~or~~ up to five stories or 60 feet in height
- (2) Residential facilities serving more than 25 persons; and
- (3) Retail sales, Class I and II restaurants, and professional offices within principal structures containing at least 20 dwelling units when located upon any minor arterial or major collector street. Any such sales, restaurant, or office shall be located only on the ground floor and have direct access to the street.

~~(f) *Density Bonus.* Multifamily dwellings that provide City required sidewalks shall be granted one of the following density bonuses provided the corresponding conditions are met:~~

- ~~(1) *Underground Parking.* The provision of one or more underground parking stall per dwelling unit shall increase the maximum allowable density by two units per acre.~~

- ~~(2) *Public Transit.* Scheduled public transit route within 1,000 feet of the primary entrance accessed by public sidewalk shall result in an increase in the maximum allowable density by one unit per acre.~~
- ~~(3) *Recreation.* Indoor or outdoor recreation facilities such as swimming pools, porches, tennis courts, or other facilities requiring a substantial investment equaling at minimum five percent of the construction cost of the principal structure shall increase the maximum allowable density by two units per acre.~~



MEMORANDUM

Planning Department

763-593-8095 / 763-593-8109 (fax)

Date: July 13, 2020
To: Golden Valley Planning Commission
From: Jason Zimmerman, Planning Manager
Subject: Informal Public Hearing – Rezone Properties to Achieve Conformance with the 2040 Comprehensive Plan

Summary

Staff is requesting that 18 properties south of Olson Memorial Highway be rezoned in order to come into conformance with the Future Land Use Map in the 2040 Comprehensive Plan.

Background

State statute requires that all zoning designations be updated to be consistent with the land uses identified in the Comprehensive Plan within nine months of adoption. The I-394 Corridor mixed use properties were the first to be rezoned in February of 2020. The 18 properties now under consideration are the second group to be rezoned; at least two other groups of properties will follow in the summer of 2020.

Below is a summary of the process that was followed to approve and adopt the 2040 Comprehensive Plan:

Meeting Date	Action
November 13, 2018	Planning Commission reviewed the final draft of the City's proposed 2040 Comprehensive Plan and unanimously recommended it be approved
December 4, 2018	City Council held a public hearing and voted to approve the plan
January 2, 2019	City Council directed staff to submit the plan to the Metropolitan Council for final review
January 22, 2020	Metropolitan Council approved Golden Valley's plan
February 4, 2020	City Council adopted the 2040 Comprehensive Plan and approved the rezoning of the I-394 Mixed Use properties

Analysis

The 18 properties south of Olson Memorial Highway that are under consideration for rezoning represent six different areas. Four of the areas to be rezoned are simply aligning the zoning designations with the uses that are already established. Two of the areas are actively directing future changes in use based on the vision of the Future Land Use Map in the 2040 Comprehensive Plan.

Two of these areas, containing three parcels, are currently within a Planned Unit Development (PUD). In these locations, the requirements of the PUD trump those of the underlying zoning district so no impacts are anticipated even though the zoning designation will be modified.

No development proposals are pending with the City at any of these locations. More detailed descriptions of these properties and their current uses are listed below:

Address	Current Zoning	Proposed Zoning
Group 1		
<i>The General Mills Nature Preserve is a City-owned natural open space that sits in the southeast quadrant of Hwy 169 and Hwy 55. It abuts Bassett Creek and is protected by conservation and trail easements. The change in zoning would more closely align with the existing and future use of this area.</i>		
9201 Olson Memorial Highway	Office	Institutional (I-4)
8900 Betty Crocker Drive	Office	Institutional (I-4)



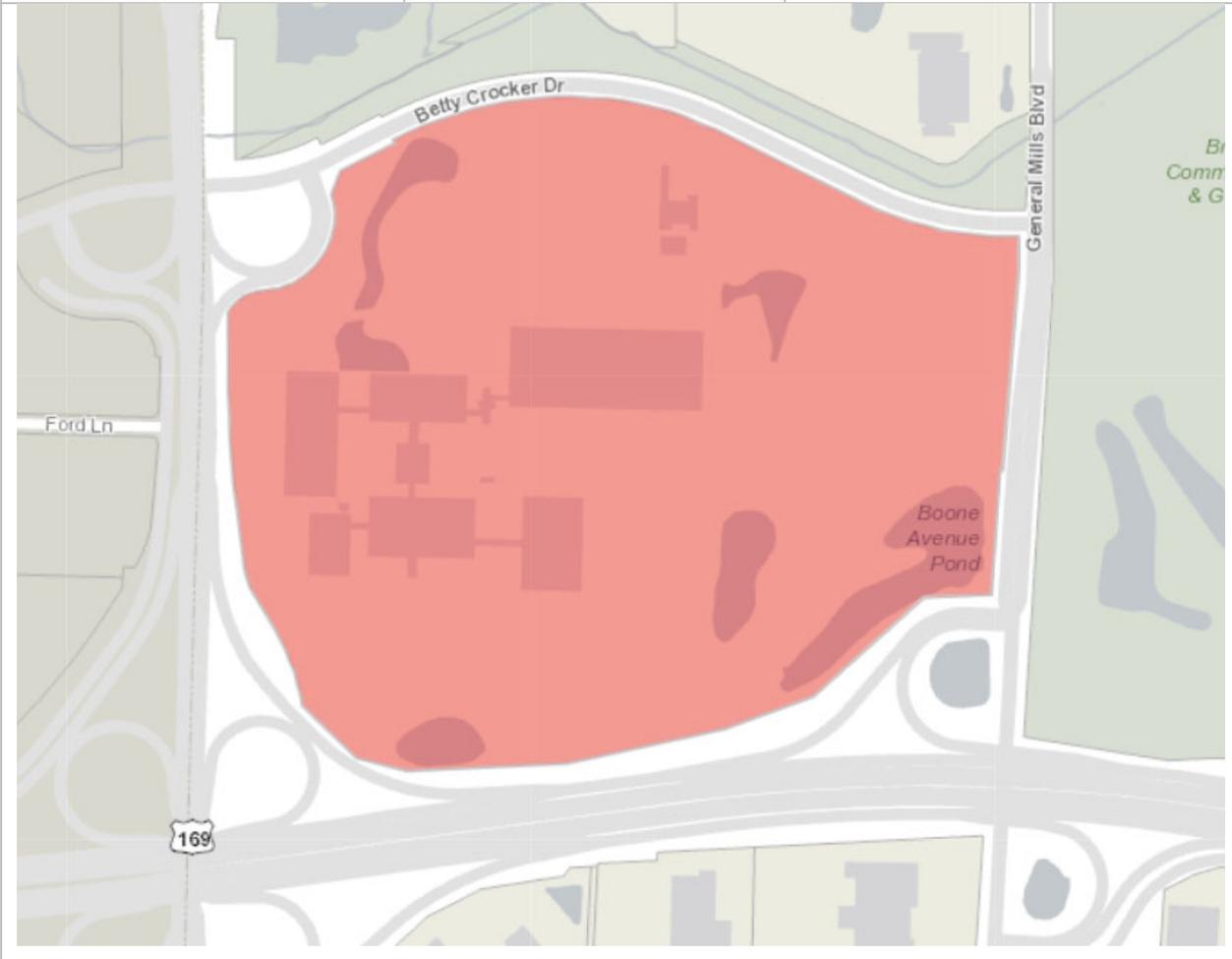
Group 2

The property containing the General Mills campus was historically zoned for industrial use. The PUD that was created in 2001 approved the office use that is there today, but given the purpose of the Industrial Zoning District (manufacturing) the office designation is more appropriate. Because the campus is within a PUD, the rules of that overlay take precedence and there are no expected impacts from this change.

1 General Mills Boulevard

Industrial

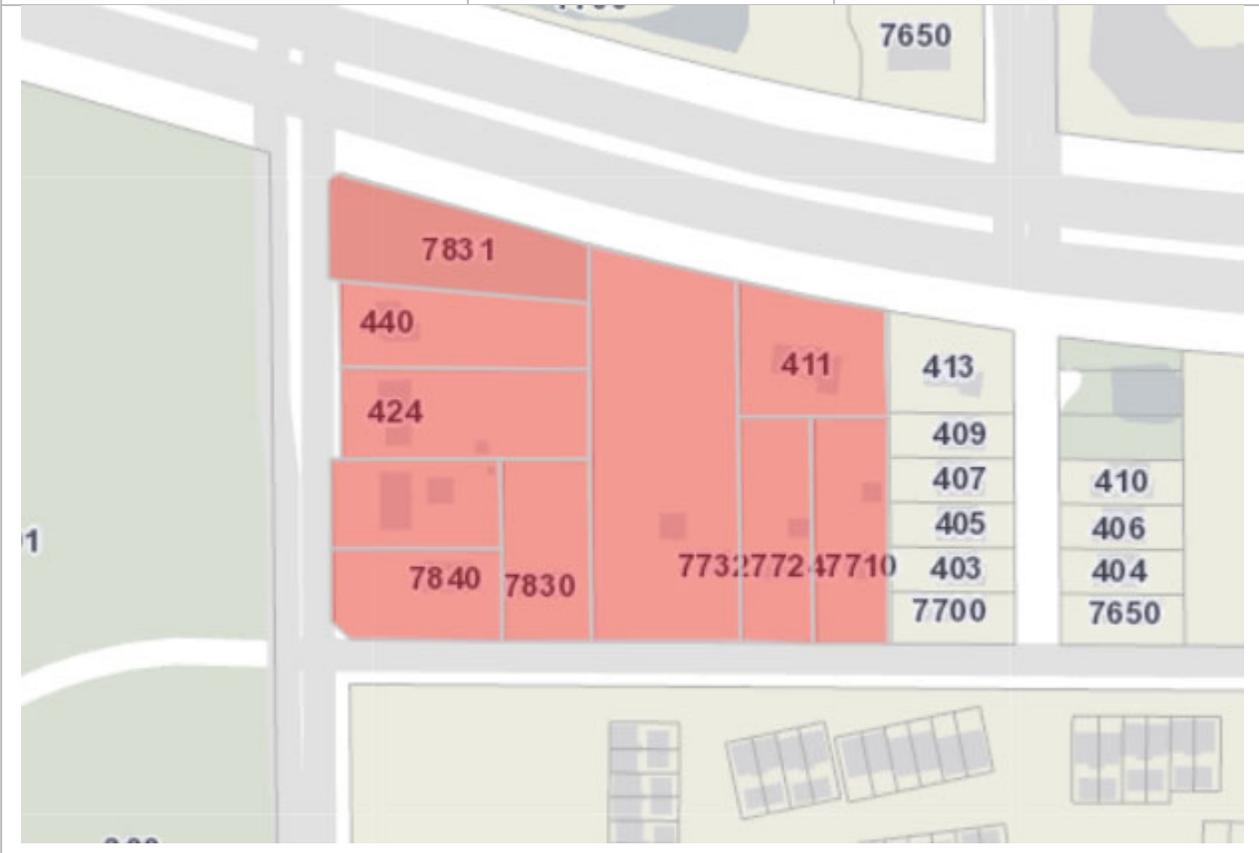
Office



Group 3

This group of residential properties in the southeast corner of Winnetka Ave and Hwy 55 was guided for higher density use in the 2030 Comprehensive Plan (adopted in 2009), but ultimately was not rezoned. As part of the land use analysis leading up to the adoption of the 2040 Comp Plan, the Planning Commission felt strongly that guiding these properties for medium density use would provide opportunities for the development of housing that would complement the efforts in the city's downtown.

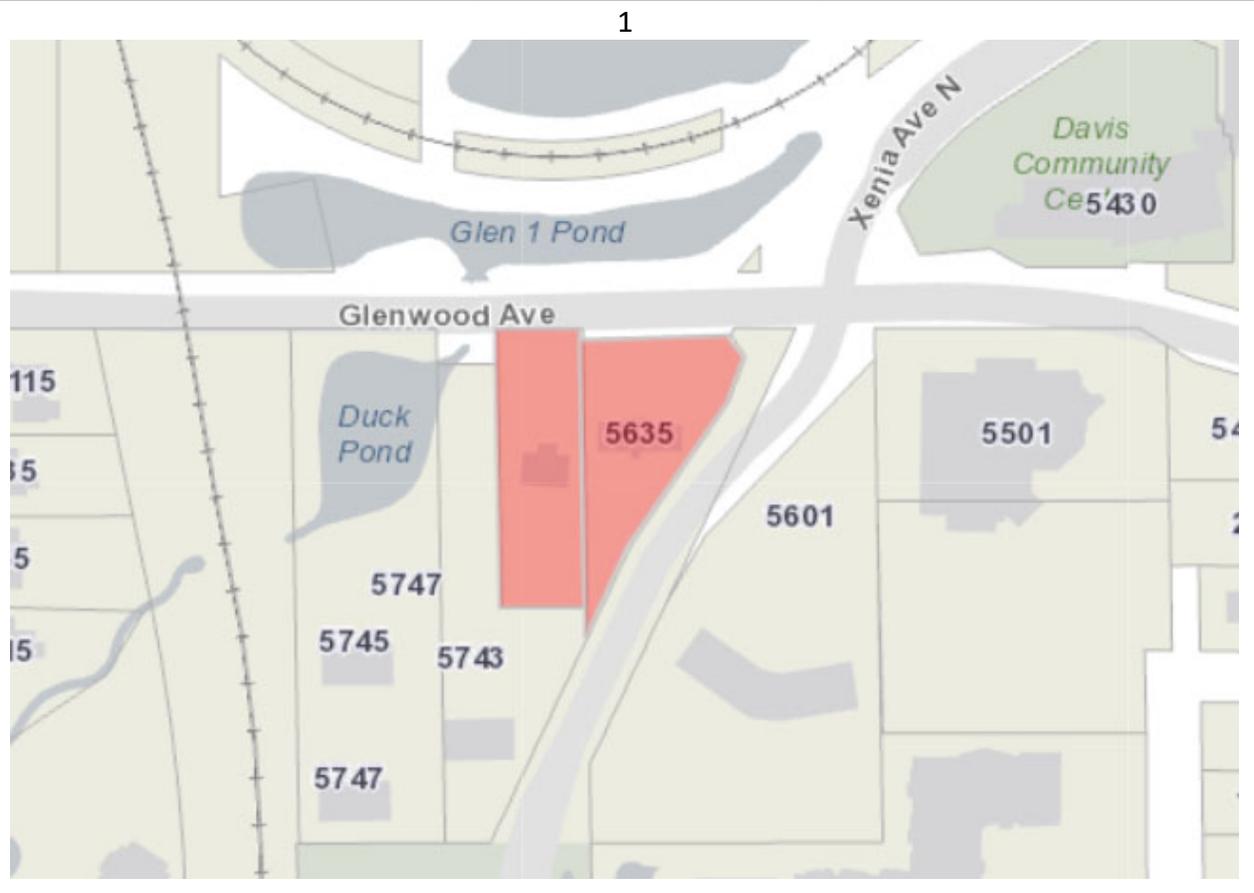
7831 Olson Memorial Highway	R-1	R-3
440 Winnetka Ave N	R-1	R-3
424 Winnetka Ave N	R-1	R-3
400 Winnetka Ave N	R-1	R-3
7840 Harold Ave	R-1	R-3
7830 Harold Ave	R-1	R-3
7732 Harold Ave	R-1	R-3
7724 Harold Ave	R-1	R-3
7710 Harold Ave	R-1	R-3
411 Rhode Island Ave N	R-1	R-3



Group 4

These two properties at Glenwood Ave and Xenia Ave S, containing a duplex and a single-family home, are surrounded by other higher density residential uses. They have been guided for medium density use for decades but to date have not been rezoned to match. This change would align the land use and the zoning designation and set the table for future residential development at the intersection of two major roadways.

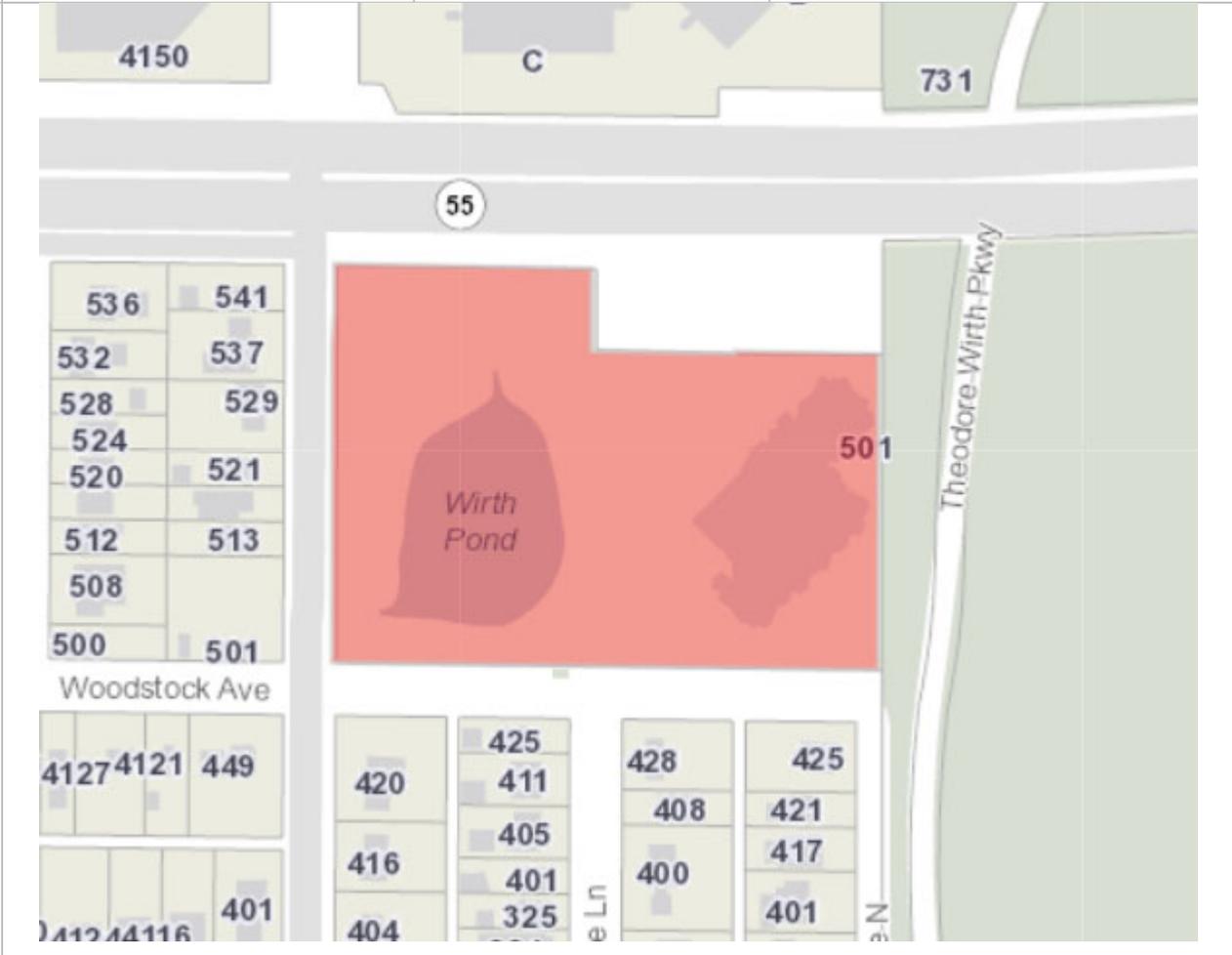
5635 Glenwood Ave	R-1	R-3
5701 Glenwood Ave	R-1	R-3



Group 5

Given the evolution of the city's High Density Residential (R-4) Zoning District, the actual density of the South Wirth Apartments more closely aligns with the city's Medium Density Residential (R-3) Zoning District.

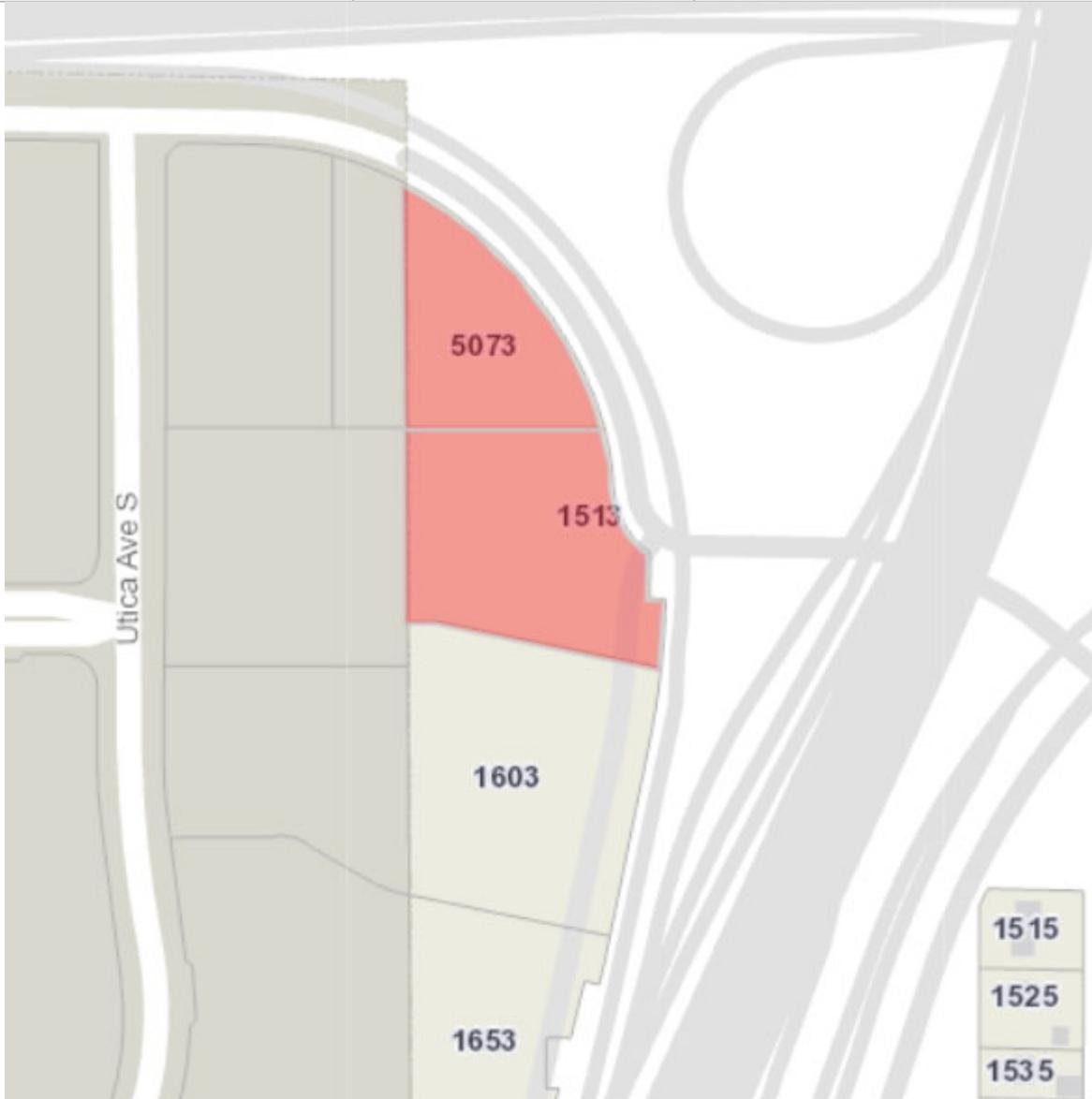
501 Theodore Wirth Parkway R-4 R-3



Group 6

While the entirety of the Central Park West development is zoned for office use, this is a remnant of a past vision for the area that is not consistent with some of the new uses that have been established. A hotel along Wayzata Boulevard and an apartment that sits partially within St. Louis Park should be rezoned to Commercial and High Density (R-4) Residential respectively in order to better align with the existing uses. All associated properties sit within the Central Park West PUD, so the zoning changes will have no impact on current operations.

5073 Wayzata Boulevard	Office	Commercial
1513 Utica Ave S	Office	R-4



Should the City chose not to rezone any of these properties, an amendment to the Future Land Use Map would then be required with the Met Council – modifying the recently-adopted 2040 Comprehensive Plan – in order to maintain consistency between guided land use and zoning.

Recommended Action

Staff recommends approval of amendments to the Zoning Map to rezone the 18 properties above to the various designations listed in the attached document, including Institutional (I-4), Office, Medium Density Residential (R-3), Commercial, and High Density Residential (R-4).

Attachments

List of Affected Properties (1 page)

Maps of Future Land Use and Existing Zoning Designations (4 pages)

List of Affected Properties

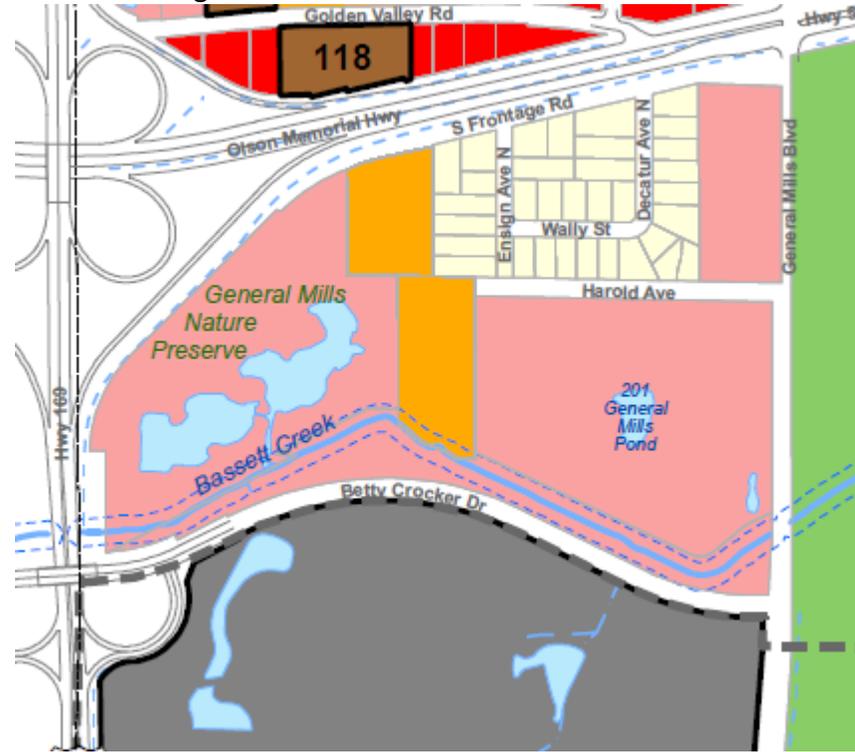
Address	Current Zoning	Proposed Zoning
9201 Olson Memorial Highway	Office	Institutional (I-4)
8900 Betty Crocker Drive	Office	Institutional (I-4)
1 General Mills Boulevard	Industrial	Office
7831 Olson Memorial Highway	R-1	R-3
440 Winnetka Ave N	R-1	R-3
424 Winnetka Ave N	R-1	R-3
400 Winnetka Ave N	R-1	R-3
7840 Harold Ave	R-1	R-3
7830 Harold Ave	R-1	R-3
7732 Harold Ave	R-1	R-3
7724 Harold Ave	R-1	R-3
7710 Harold Ave	R-1	R-3
411 Rhode Island Ave N	R-1	R-3
5635 Glenwood Ave	R-1	R-3
5701 Glenwood Ave	R-1	R-3
501 Theodore Wirth Parkway	R-4	R-3
5073 Wayzata Boulevard	Office	Commercial
1513 Utica Ave S	Office	R-4

Group 1

Future Land Use

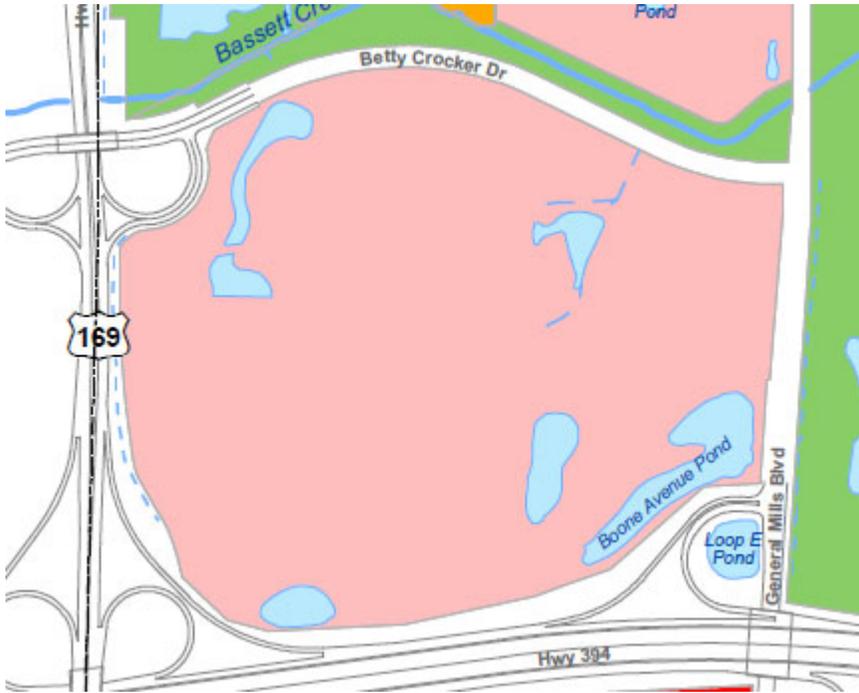


Current Zoning

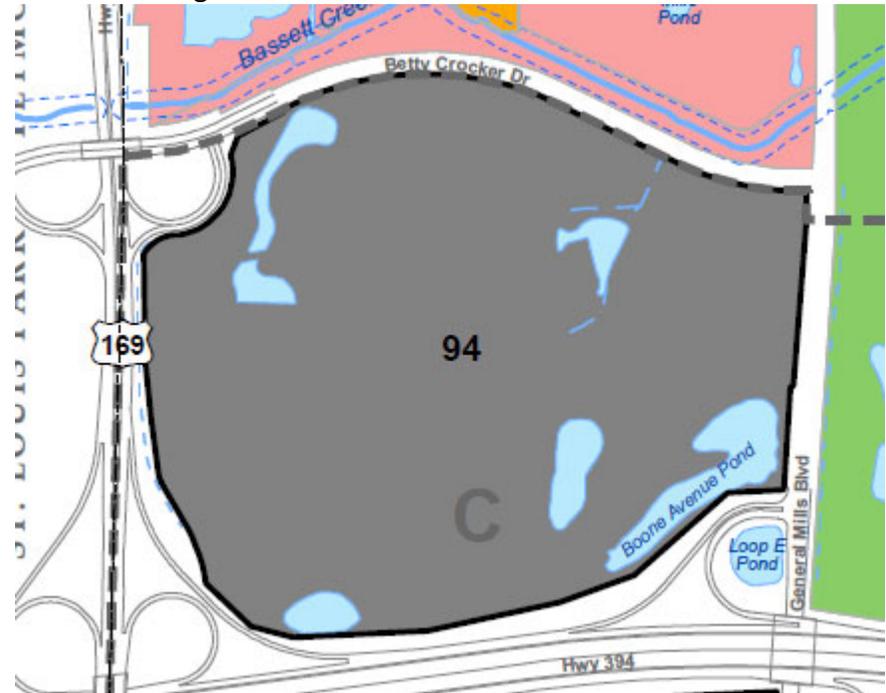


Group 2

Future Land Use



Current Zoning



Group 3

Future Land Use

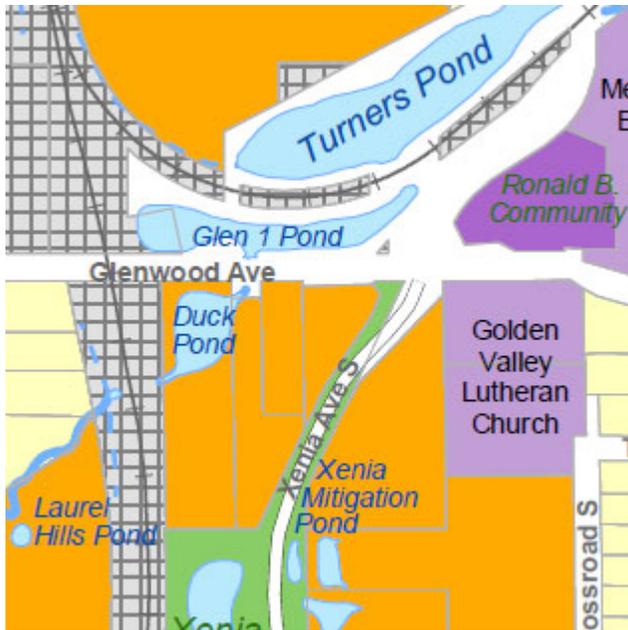


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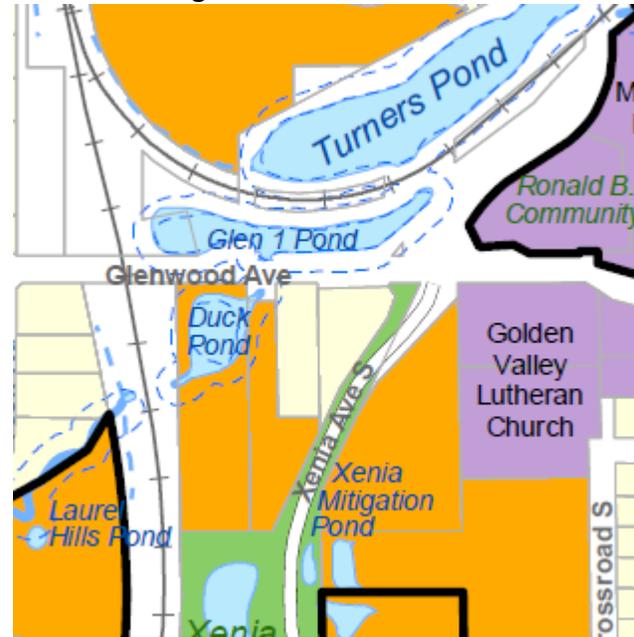


Group 4

Future Land Use

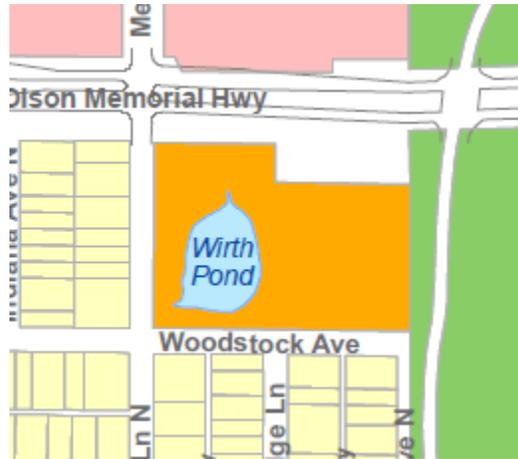


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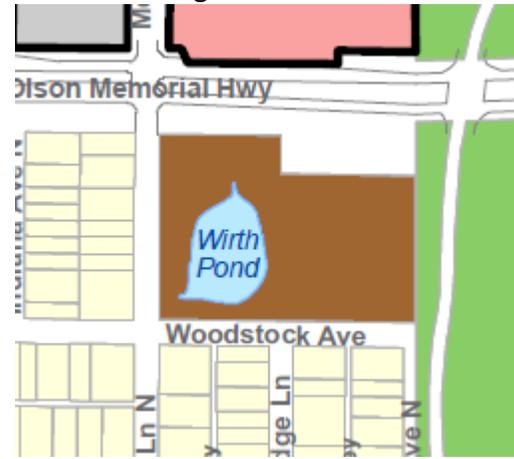


Group 5

Future Land Use

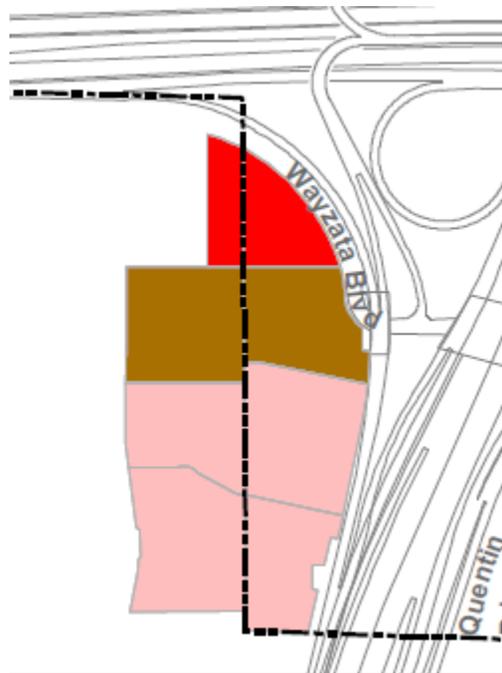


Current Zoning

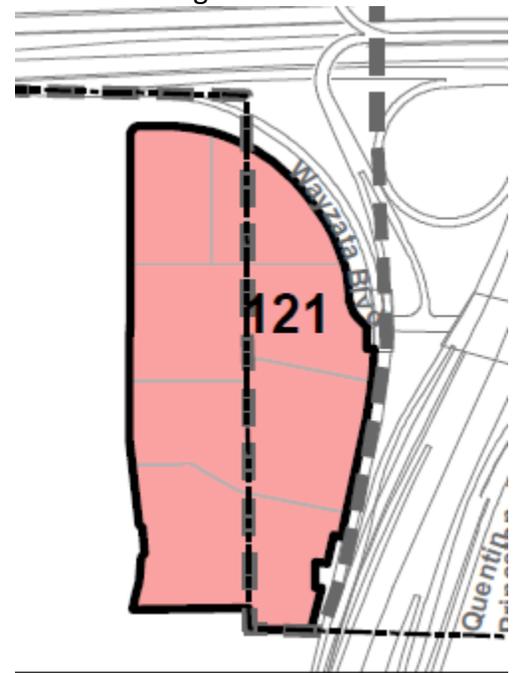


Group 6

Future Land Use



Current Zoning





MEMORANDUM
Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: July 13, 2020
To: Golden Valley Planning Commission
From: Jason Zimmerman, Planning Manager
Subject: Discussion – Architectural and Material Standards for Mixed Use Properties

Summary

In 2019, the City adopted architectural and material standards for new developments in the R-3, R-4, Commercial, Office, Institutional, Light Industrial, and Industrial zoning districts. These regulations addressed many aspects of building façades, opening, entrances, and screening, as well as the types of materials allowed in construction. At that time, the new Mixed Use zoning district had not been finalized or adopted, so no architectural or material standards were included for that district. With the adoption of the Mixed Use district early in 2020, it is now necessary to amend the architectural and material standards section of code in order to address buildings that may be developed in those areas.

The purpose of this discussion will be to revisit the regulations that were adopted previously and to begin to outline the parameters for standards in the Mixed Use zoning district.

Material Standards

Exterior materials were divided into the following classes:

Class I	Brick Natural stone Glass Copper Porcelain Other materials not listed elsewhere as approved by the City Manager or his/her designee or as recommended by the Planning Commission
Class II	Masonry/textured cement stucco Specialty concrete block Architecturally textured concrete precast panels Artificial stone Artificial stucco

	Fiber reinforced cement board siding Prefinished metal Cast-in-place concrete Other materials not listed elsewhere as approved by the City Manager or his/her designee or as recommended by the Planning Commission
Class III	Unpainted or surface painted concrete block Unpainted or surface painted plain or ribbed concrete panels Unfinished or surface painted metal Wood Glass block Other materials not listed elsewhere as approved by the City Manager or his/her designee or as recommended by the Planning Commission
Prohibited	Sand lime brick Concrete brick Unfinished structural clay tile Exposed unfinished concrete

For each zoning district, the following standards were set, with a minimum of at least two Class I materials being incorporated into each façade.

Zoning District	Front façades, side and rear façades visible from the public right-of-way	Side and rear façades not visible from the public right-of-way
R-3, R-4	<ul style="list-style-type: none"> ▪ At least 50 percent Class I ▪ No more than 10 percent Class III 	<ul style="list-style-type: none"> ▪ At least 40 percent Class I ▪ No more than 10 percent Class III
Commercial, Office, Institutional	<ul style="list-style-type: none"> ▪ At least 50 percent Class I ▪ No more than 10 percent Class III 	<ul style="list-style-type: none"> ▪ At least 40 percent Class I ▪ No more than 10 percent Class III
Light Industrial, Industrial	<ul style="list-style-type: none"> ▪ For façades that face Residential, Commercial, Office, Institutional, or Mixed Use zoning district – at least 50 percent Class I ▪ All other front façades – at least 40 percent Class I ▪ No more than 10 percent Class III 	<ul style="list-style-type: none"> ▪ At least 30 percent Class I ▪ No more than 10 percent Class III

Staff believes the Mixed Use zoning district is most comparable to the Commercial, Office, and Institutional zoning districts and therefore suggests considering similar standards.

Zoning District	Front façades, side and rear façades visible from the public right-of-way	Side and rear façades not visible from the public right-of-way
Mixed Use	<ul style="list-style-type: none"> ▪ At least 50 percent Class I ▪ No more than 10 percent Class III 	<ul style="list-style-type: none"> ▪ At least 40 percent Class I ▪ No more than 10 percent Class III

Architectural Standards

Regulations were created for each zoning district around façades, openings, entrances, and screening.

Façades

Façades greater than 40 feet in length shall be visually articulated into smaller intervals by:

1. Stepping back or extending forward a portion of the façade
2. Providing variation in materials, texture, or color
3. Placement of doors, windows, and balconies

Buildings shall have a defined base, middle, and top, and employ elements that relate to the human scale and appeal to pedestrians, such as doors and windows, projections, or awnings and canopies. A middle is not required on a one-story building.

Openings

For all zoning districts

Views into and out of the building shall be provided to enliven the streetscape and enhance security. Window and door openings shall be clear or slightly tinted to allow unobstructed views into and out of buildings. Spandrel glass may be used in service areas. Window shape, size, and patterns shall emphasize the intended organization and articulation of the building façade.

R-3, R-4

On the ground floor, window and door opening shall comprise:

Residential use

- 20 percent of area of the front façade
- 15 percent of area of the side and rear façades

Nonresidential use

- 60 percent of the length of the front façade
- 30 percent of area of the front façade
- 20 percent of area of the side and rear façades

On upper stories, window and door openings shall comprise:

- 15 percent of façade area

Commercial, Office, and Institutional

On the ground floor, window and door opening shall comprise:

- 60 percent of the length of the front façade
- 30 percent of area of the front façade

20 percent of area of the side and rear façades

On upper stories, window and door openings shall comprise:

20 percent of façade area

Light Industrial, Industrial

On the ground floor, window and door openings shall comprise:

30 percent of area of the front façade

15 percent of the area of the side and rear façades

On the upper stories, window and door opening shall comprise:

20 percent of area of façade area

Entrances

Building entrances shall be provided on the primary street on which the building fronts, in addition to any entrances from rear or side parking areas. Street entrances shall be lighted and defined by means of a canopy, portico, recess, or other architectural details.

Screening

Utility service structures (such as utility meters, utility lines, and transformers), refuse and recycling containers, loading docks, maintenance structures, and other ancillary equipment must be inside a building or be screened from off-site views. Overhead doors shall be located on side or rear façades that do not front a public right-of-way. Rooftop equipment shall be screened from view from the public right-of-way by a parapet wall or a fence the height of which extends at least one foot above the top of the rooftop equipment and is compatible with exterior materials and architectural features of the building.

Since buildings in the Mixed Use district could produce a variety of residential and nonresidential uses on ground and upper floors, staff believes a combination of the window and door (opening) requirements from the categories above makes the most sense.

Mixed Use

On the ground floor, window and door opening shall comprise:

Residential use

20 percent of area of the front façade

15 percent of area of the side and rear façades

Nonresidential use

60 percent of the length of the front façade

30 percent of area of the front façade

20 percent of area of the side and rear façades

On the upper stories, window and door opening shall comprise:

Residential use

15 percent of façade area

Nonresidential use

20 percent of façade area

Recommendation

This is a discussion item and as such, no vote or recommendation is required. Staff is only looking for feedback and direction from Commissioners at this time.



MEMORANDUM
Physical Development Department
763-593-8095 / 763-593-8109 (fax)

Date: July 13, 2020
To: Golden Valley Planning Commission
From: Myles Campbell, Planner
Subject: Discussion – Fences, Screening, and Garden Structures

Summary

In the previous year staff identified a number of areas in which the existing code language regarding screening, and specifically fencing, could be improved upon. These revisions are largely based on feedback from residents and observed patterns in how properties are utilizing garden structures and fencing. In the case of revisions to commercial/industrial screening, this follows a request from the Golden Valley Police Department to allow some visibility for safety and security purposes.

The purpose for this discussion will be to introduce the proposed revisions as well as the initial draft language for each.

Arterial Road Fence Height Exception

The current zoning code language for residential properties limit the height of fences to 4 ft. in the front yard of homes. The purpose here is to keep fences lower in the front yard to avoid properties from feeling closed off from the street and other properties. Walled fences up to 6’ in height are allowed in rear and side yards, this allows for some privacy between properties and to mitigate the carrying of noise.

While not specific to residential properties, there is an existing exception for front yard fences to extend beyond 4’ in height. This exception is based upon the property’s proximity to a major roadway from § 113-152, Subd. (d)(2)

A wall or fence not exceeding six feet in height is permitted in the front yard of all properties directly adjoining a minor arterial street, as designated by the City.

Minor Arterials in the City include streets such as Douglas Drive, Winnetka Ave, or Glenwood Ave. Here, the reasoning is because of the higher traffic level on these roadways, properties may benefit from taller fences in the front yard to mitigate noise. Homes do not front onto the larger

Principal Arterial (Interstate 35, Highway 100) roadways, therefore they are not included under the exception.

In the past few years, however, a number of cases have come before the Board of Zoning Appeals for properties that do not adjoin a minor arterial, but which are separated by a frontage road from a large principal arterial roadway. These can be corner lots, double frontage lots, or even lots that simply face a frontage road. For these homes, staff and the BZA have generally found the request for a higher privacy fence is reasonable. These properties experience similar if not greater noise impacts than properties that abut a minor arterial, but do not have a similar exception made for them, and instead need to pursue variances.

Given the amount of variance requests of this nature, and that these requests are almost unanimously found to be reasonable, staff feels a new exception should be included in the code for homes that are adjacent to or directly across a frontage road from a principal arterial. The exact language of this exception needs to be refined as there is not actually a portion of these properties that directly adjoins the arterial. Instead, they are adjacent to the arterial and adjoining a frontage road.

Garden Structures

In 2010, the zoning code was modified to define “garden structures” and establish a new set of restrictions to their location and design from other types of accessory structures. The materials from that zoning discussion are included with this memo.

From § 113-1. – *Definitions:*

Garden Structure: A permanent outdoor fireplace or grill, or a freestanding or attached structure such as a pergola or arbor, which serves a primarily aesthetic purpose customarily incidental to the principal structure.

In both the R-1 and R-2 residential zoning districts, garden structures are required to be no less than 5 feet from any property line, including the front property line, and the garden structure shall not exceed 10 feet in height. Discussion at the time highlighted that the decision to reduce the standards for garden structures was made given their aesthetic and ornamental purpose. The idea was to allow these structures in front yards to provide decorative accents to residents’ gardens and landscaping, and to make a delineation between these structures and more obstructive ones such as sheds or detached garages. In this sense staff is satisfied with the current letter of the code.

The issue being noticed recently, is the use of substantial garden structures to provide screening above the allowed 6’ of fencing in residential neighborhoods. Since a garden structure is only limited in terms of its overall height and that it is at least 5 feet off the property line, a property owner could use a pergola or trellis in combination with a fence to screen up to 10 feet off the ground. Obscuring visibility between neighboring properties is not in itself a bad thing, we do allow it to some extent through our fence rules. However, the issue is that use of garden structures as screening was not the intended purpose of the change in ordinance. It goes against

portions of the discussion amongst commissioners in 2010. They set very little restrictions on the structures given that what they saw was causing little visual obstruction.

Staff is seeking some discussion and feedback from the Commission on how they would prefer to take action on garden structures.

- Is a structure that serves principally or in part to obstruct visibility still considered a garden structure, or do we need to refine the definition to exclude screening structures
- Is the use of a garden structure to screen between properties acceptable in some cases? In which case what controls should be placed upon them to limit overbuilding? (opacity amount, length, front vs. rear yard, surface area, etc.)

Public Safety Screening Exception

For Commercial and especially Industrial properties, the City has strict restrictions in screening the property and any outdoor storage that may be located on it. Items c, e, and f in § 113-152, Subd. (c)(2) *All Other Zoning Districts* lay out a number of situations in which a portion or entirety of a property must have near complete screening, at least 90% opacity:

c. No materials or equipment shall be stored outside, unless screened in such a manner as not to be visible from adjacent properties or street right-of-way. ***All outdoor storage shall be screened by a wall, fence, or vegetation not less than six feet in height and not less than 90 percent opacity year round.*** No storage shall be permitted within required landscaped areas.

e. ***A solid screen, consisting of either a solid fence or wall not less than six feet in height, or a planted landscape screen providing at least 90 percent opacity year round and at least six feet in height at the time of planting, shall be installed and maintained along all lot lines separating an Industrial Zoning District from any Residential or Institutional Zoning District.***

f. All waste material, debris, refuse, junk or damaged vehicles, or vehicles under repair or being stored in connection with repair services, shall be either ***kept entirely within an enclosed building or completely screened from adjacent properties and street rights-of-way.***

The purpose for these regulations is to promote greater cleanliness and order within the City's Commercial and Industrial districts. Junk materials and unkempt outdoor storage areas can have a significant impact on neighboring uses, be they businesses or residential properties. As they are written currently, staff feels these regulations are accomplishing this goal. We have had cases of businesses failing to meet these standards, and in our enforcement capacity have referenced the code in order to correct the violations.

That being said, the Chief of Police recently raised an unintended consequence of these stringent screening requirements. An outdoor storage facility opening in the City applied for a fence permit, and presented a plan that would meet the City's requirements. It would screen the storage from both the public right-of-way, as well as from an adjoining residential neighborhood.

Police asked if a portion of the screening requirement could be waived or reduced along the main street-side of the property. This was requested so that police could still monitor the internal site for any criminal activity. To staff's recollection this was a unique request, there have been many other screening applications that had not received similar feedback from the Police. However, we can understand that this may be a request that is contextually based. Where is the business located, what type of goods are being stored, will the entirety or a portion of the property be enclosed? All of these could impact the decision-making on whether to maintain some visibility.

Staff feels that while one of the central tenants of the zoning code is to promote the welfare of the City and its property owners, another equally important consideration is the safety of the City. To which end, supporting policing is a crucial component. A balance between these two purposes will need to be reached by the Commission.

Staff's initial thought is to treat this exception as an administrative decision given that the decision to reduce the screening may be based upon different sets of circumstances. Typically, we avoid overuse of administrative actions in a zoning code, given that the code should leave as little up to interpretation as possible. However, here there may not be a single condition with which to attach the exception to, in which case the added flexibility is preferred. Staff would have greater reluctance if this administrative action were to require greater restriction and cost to the property owner, but here the action would reduce the level of restriction.

Recommendation

This is a discussion item and as such, no vote or recommendation is required. Staff is only looking for feedback and direction from Commissioners at this time.

Attachments

- Z00-82, Garden Structures Materials from 2010 (18 pages)
- Example of Garden Structures in Golden Valley (1 page)

SUN

newspapers

AFFIDAVIT OF PUBLICATION

City of Golden Valley

(Official Publication)
ORDINANCE NO. 433, 2ND SERIES
AN ORDINANCE AMENDING THE CITY CODE
Amending Sections 11.03, 11.21 and 11.22
Regarding Garden Structure Requirements

The City Council for the City of Golden Valley hereby ordains as follows:

Section 1. City Code Section 11.03 entitled "Definitions" is amended by changing definition number 1 to read as follows:

1. **Accessory Use or Structure:** A use or structure (other than a garden structure) subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure except as provided for Essential Services.

Section 2. City Code Section 11.03 entitled "Definitions" is amended by adding definition number 42.5 to read as follows:

42.5 **Garden Structure:** A permanent outdoor fire-place or grill, or a free standing or attached structure such as a pergola or arbor (which serves a purpose customarily incidental to the principal structure with a primarily aesthetic purpose).

Section 3. City Code Section 11.21 entitled "Single Family Zoning District" is amended by adding a new Sub-division as follows:

Subdivision 20. Garden Structures.

Garden Structures shall be located no closer than five (5) feet to any property line. Garden Structures shall not exceed ten (10) feet in height.

Section 4. City Code Section 11.22 entitled "Moderate Density Residential Zoning District" is amended by adding a new Subdivision as follows:

Subdivision 12. Garden Structures.

Garden Structures shall be located no closer than five (5) feet to any property line. Garden Structures shall not exceed ten (10) feet in height.

Section 5. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 6. This Ordinance shall take effect from and after its passage and publication as required by law.

Adopted by the City Council this 16th day of February, 2010.

/s/Linda R. Loomis
Linda R. Loomis, Mayor

ATTEST:
/s/Susan M. Virnig
Susan M. Virnig, City Clerk

(Feb. 25, 2010) p2-ord 433 Garden Structure

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

Richard Hendrickson, being duly sworn on an oath, states or affirms that he is the Chief Financial Officer of the newspaper(s) known as
GV, NH, Crystal, Robbinsdale Sun-Post

and has full knowledge of the facts stated below:

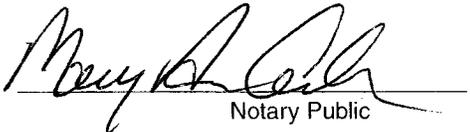
(A) The newspaper has complied with all of the requirements constituting qualification as a qualified newspaper as provided by Minn. Stat. §331A.02, §331A.07, and other applicable laws as amended.

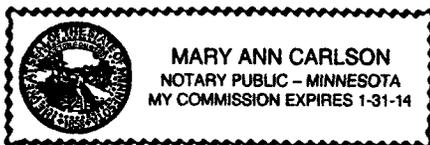
(B) The printed public notice that is attached was published in said newspaper(s) once each week, for one successive week(s); it was first published on Thursday, the 25 day of February, 2010, and was thereafter printed and published on every Thursday to and including Thursday, the _____ day of _____, 2010; and printed below is a copy of the lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and kind of type used in the composition and publication of the notice:

abcdefghijklmnopqrstuvwxyz

BY: 
CFO

Subscribed and sworn to or affirmed before me on this 25 day of February, 2010.


Notary Public



ORDINANCE NO. 433, 2ND SERIES
AN ORDINANCE AMENDING THE CITY CODE
Amending Sections 11.03, 11.21 and 11.22 Regarding Garden Structure Requirements

The City Council for the City of Golden Valley hereby ordains as follows:

Section 1. City Code Section 11.03 entitled "Definitions" is amended by changing definition number 1 to read as follows:

1. **Accessory Use or Structure:** A use or structure (other than a garden structure) subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure except as provided for Essential Services.

Section 2. City Code Section 11.03 entitled "Definitions" is amended by adding definition number 42.5 to read as follows:

42.5 Garden Structure: A permanent outdoor fireplace or grill, or a free standing or attached structure such as a pergola or arbor (which serves a purpose customarily incidental to the principal structure with a primarily aesthetic purpose).

Section 3. City Code Section 11.21 entitled "Single Family Zoning District" is amended by adding a new Subdivision as follows:

Subdivision 20. Garden Structures.

Garden Structures shall be located no closer than five (5) feet to any property line. Garden Structures shall not exceed ten (10) feet in height.

Section 4. City Code Section 11.22 entitled "Moderate Density Residential Zoning District" is amended by adding a new Subdivision as follows:

Subdivision 12. Garden Structures.

Garden Structures shall be located no closer than five (5) feet to any property line. Garden Structures shall not exceed ten (10) feet in height.

Section 5. City Code Chapter 1 entitled "General Provisions and Definitions Applicable to the Entire City Code Including Penalty for Violation" and Section 11.99 entitled "Violation a Misdemeanor" are hereby adopted in their entirety, by reference, as though repeated verbatim herein.

Section 6. This Ordinance shall take effect from and after its passage and publication as required by law.

Adopted by the City Council this 16th day of February, 2010.

/s/Linda R. Loomis
Linda R. Loomis, Mayor

ATTEST:

/s/Susan M. Virnig
Susan M. Virnig, City Clerk



**Memorandum
Planning**
763-593-8095 / 763-593-8109 (fax)

**Executive Summary For Action
Golden Valley City Council Meeting
February 16, 2010**

Agenda Item

4. D. Public Hearing - Ordinance #433 - Amending Sections 11.03, 11.21 and 11.22 Regarding Garden Structure Requirements

Prepared By

Joe Hogeboom, City Planner

Summary

The Planning Commission has recommended the approval of language in the Zoning Code that would regulate garden structures in the Single Family Residential (R-1) Zoning District and Moderate Density (R-2) Residential Zoning District. However, at the February 9, 2010 Council/Manager meeting the Council requested that the proposed language be reevaluated and simplified.

The proposed language now contains a provision that prohibits garden structures from being located within five feet of all property lines (front, both sides, and rear) as well as limits the height of garden structures to ten feet.

Staff feels that the newly proposed language allows residents to construct reasonably sized garden structures without negatively impacting neighboring properties.

Attachments

Underlined/Overscored Version of Section 11.03, Definitions 1 and 42.5 (1 page)
Underlined/Overscored Version of Section 11.21, Subdivision 20 (1 page)
Underlined/Overscored Version of Section 11.22, Subdivision 12 (1 page)
Ordinance #433 - Amending Sections 11.03, Section 11.21 and Section 11.22 Regarding Garden Structure Requirements (1 page)

Recommended Action

Motion to adopt Ordinance #433, Amending Sections 11.03, 11.21 and 11.22 Regarding Garden Structure Requirements.

Section 11.03: Definitions

1. **Accessory Use or Structure:** A use or structure (other than a garden structure) subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure except as provided for Essential Services.
2. **Adult Day Care Center:** A facility licensed by the State of Minnesota that provides adult day care to functionally impaired adults on a regular basis for periods of less than twenty-four (24) hours a day in a setting other than a participant's home or the residence of the facility operator. Functionally impaired adult means an adult having a condition that includes 1) having substantial difficulty in carrying out one (1) or more of the essential major activities of daily living, such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working; or 2) having a disorder of thought or mood that significantly impairs judgment, behavior, capacity to recognize reality, or ability to cope with the ordinary demands of life; and 3) requiring support to maintain independence in the community.
3. **Affected Persons:** Any or all persons who own property located within five hundred (500) feet of the subject premises under zoning review.
4. **Alley:** A public or private way affording only secondary means of access to abutting property.
5. **Apartment:** A room or suite of rooms in a multi-family or multi-use building arranged and intended as a place of residence for a single family or a group of individuals living together as a single housekeeping unit.
6. **Apartment Building:** Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in the said building, and shall include flats and apartments.
7. **Automobile Sales:** An open or enclosed area (building or structure), other than a street, used for the display, sale, or rental, of new and used motor vehicles in operable condition.

any such vehicles are kept for remuneration or hire; including the sale of gasoline, oil and accessories.

42. **Garage, Repair:** Any facilities for the repair or maintenance of motor vehicles, but not including factory assembly of such vehicles, auto wrecking establishments or junk yards.

42.5 **Garden Structure:** A permanent outdoor fireplace or grill, or a free standing or attached structure such as a pergola or arbor (which serves a purpose customarily incidental to the principal structure with a primarily aesthetic purpose).

43. **Grade:** The lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line. For the purposes of this Chapter, "grade" shall be measured from the street side of a property to within five (5) feet of the building.
44. **Green House:** A glass or similar transparent, or translucent, structure used for the cultivation and protection of plants which cannot be grown outside during all seasons.
45. **Group Foster Family Home:** A family home licensed by the State of Minnesota to care for up to ten (10) children under eighteen (18) years of age (including the family's own children under eighteen (18) years of age).
46. **Heliport:** Any land and/or structure used or intended for use for the landing and take off of helicopters and any appurtenant land and/or structure used or intended for use for port buildings or other port structures or rights-of-way, which land and/or structures meet the requirements and regulations set forth by the Federal Aviation Administration and the Minnesota Department of Transportation as and for a helicopter facility.
47. **Home Occupation:** An accessory use of a dwelling, excluding an attached garage or other accessory building, which is conducted entirely within the dwelling by one (1) or more persons, all of whom must reside in the dwelling unit. (Day care facilities licensed by the State of Minnesota serving twelve (12) or fewer persons in accordance with Minnesota Statutes Annotated 245.812, Subdivision 3, are not considered a home occupation.)
48. **Hospital:** An institution providing health services primarily for inpatient medical or surgical care of the sick or injured and including related facilities such as laboratories, outpatient department, training facilities, central service facilities, and staff offices which are an integral part of the facility.

A. Setbacks.

1. Front Yard Storage. Any storage of items in the front yard shall be behind the property line.
2. Side Yard Storage. Items stored in that portion of the side yard to the front of the rear yard, may not be stored within three (3) feet of the property line. Items stored in that portion of the side yard to the rear of the primary structure or attached garage, may not be stored within five (5) feet of the property line.
3. Rear Yard Storage. Items stored in the rear yard may not be stored within five (5) feet of the property line.

- B. Screening. Side and Rear Yard Storage. Any storage of a recreational camping vehicle, fish house, trailer, boat, or personal motorized recreational vehicle in the side or rear yard must be screened using either vegetative screening or a fence in accordance with Section 11.72 of this Chapter.

***Subdivision 19. Paved Area Requirements**

Paved areas in the Single Family (R-1) Zoning District, include those constructed of concrete, bituminous pavement, or pavers, and are governed by the following provisions:

- A. Driveways built or reconstructed on or after January 1, 2005, shall be paved.
- B. Setbacks. Paved areas shall be setback three (3) feet from a side yard property line, except for shared driveways used by multiple property owners pursuant to a private easement.
- C. Coverage. No more than forty percent (40%) of the front yard may be covered with concrete, bituminous pavement, or pavers.

Subdivision 20. Garden Structures

Garden Structures shall be located no closer than five (5) feet to any property line. Garden Structures shall not exceed ten (10) feet in height.

ten (10) feet from the floor to the top plate. Attic space in accessory structures shall be used only for storage and/or utility space.

- C. Garage Construction Required. No building permit shall be issued for the construction of a new principal structure in the R-2 Zoning District not including at least a one (1) stall garage per dwelling unit. Single family dwelling units shall require a two (2) stall garage.
- D. Accessory structures including detached and attached garages, detached sheds, greenhouses and gazebos shall be limited in size to a total of six hundred fifty (650) square feet per dwelling unit. Swimming pools are not included in this requirement.
- E. Decks. Free standing decks or decks attached to accessory structures shall meet the same setback requirements as accessory structures.
- F. Swimming pools. Swimming pools shall meet the same setback and location requirements as accessory structures.
- G. Central Air Conditioning Units. Central air conditioning units shall not be allowed in the front yard of any single or two-family dwelling.

Subdivision 12. Garden Structures

Garden Structures shall be located no closer than five (5) feet to any property line. Garden Structures shall not exceed ten (10) feet in height.

Eck referred to the concerns regarding tree preservation and it has been the City's experience that builders try to maintain as many trees as possible because trees add value to property.

MOVED by McCarty, seconded by Eck and motion carried unanimously to recommend approval of the request to subdivide the property located at 100 Brunswick Avenue North into two lots with the following conditions:

1. The final plat of the minor subdivision shall be consistent with the preliminary plan submitted with the subdivision application.
2. The comments in the memo from City Engineer Jeff Oliver, PE, to Mark Grimes, Director of Planning and Development, dated January 21, 2010, shall become a part of this approval.
3. A park dedication fee shall be paid at time of final plat approval. The amount of the fee shall be determined by the City Council.
4. The existing house must be removed prior to final plat approval by the City Council.

5. Informal Public Hearing – Zoning Code Amendment – Garden Structure Requirements in the Definitions, Single Family (R-1) and Moderate Density Residential (R-2) Zoning Districts Sections of City Code

Applicant: City of Golden Valley

Purpose: To amend the R-1 Single Family and R-2 Moderate Density Residential Zoning Districts regarding the addition of garden structure requirements

Grimes explained that this is a proposal to amend the Single Family (R-1) and Moderate Density (R-2) Zoning District because staff has come across some garden structures located in front yards. He reviewed the proposed language and stated that the proposed setbacks would be 5 feet from the front yard property line, 5 feet from the side and rear yard property lines and 10 feet of separation between detached structures, similar to other accessory structures.

Keysser asked if gazebos would be included in this proposed new language. Grimes said no. The proposed new language would be for pergolas, arbors, etc.

Schmidgall said he would like to see examples of some existing garden structures. Kluchka suggested including pictures in the staff report when this item goes before the City Council.

Schmidgall said he thinks these types of garden structures are basically transparent so they shouldn't cause any visual obstruction. Cera questioned corner visibility especially if the garden structures are covered in vines. He suggested requiring a 7 or 10 foot setback instead of the proposed 5 foot setback. Kluchka said he feels garden structures should have the same requirements as bushes. McCarty clarified that the garden structures

would be 5 or 10 feet away from the property line, not the curb. Schmidgall said he would like to setback requirement to be 5 feet as is being proposed.

Keysser opened the public hearing. Seeing and hearing no one wishing to comment, Keysser closed the public hearing.

McCarty referred to the proposed ordinance and stated that he would like the word "must" to be replaced with "shall" throughout the document for consistency. He said he would also like the language regarding height limitations to be the same in both the R-1 and R-2 sections.

Eck referred to the language regarding the location requirements and said he thinks that some of the language that was struck should not have been. Specifically the language stating that an accessory structure may be built no closer to the front setback as the principal structure. Grimes said the language will be corrected before this goes to the City Council.

MOVED by Schmidgall, seconded by McCarty and motion carried 5 to 1 to recommend approval to amend the R-1 Single Family and R-2 Moderate Density Residential Zoning Districts regarding the addition of garden structure requirements. Commissioner Cera voted no.

--Short Recess--

6. Reports on Meetings of the Housing and Redevelopment Authority, City Council, Board of Zoning Appeals and other Meetings

Grimes reported that the Planning Department is working with the Environmental Commission to look at solid waste hauling and the options available to the City. Hogeboom explained that the City's municipal recycling contract is up for renewal in December 2011, so the City Council asked that staff look and how other cities handle their waste management system. He said he would send the Planning Commission a copy of the presentation given to the Environmental Commission and a timeline of the study.

Kluchka reported on the District 281 Divestiture Committee meetings he has attended.

7. Other Business

No other business was discussed.

8. Adjournment

The meeting was adjourned at 8:26 pm.



Memorandum
Planning
763-593-8095 / 763-593-8109 (fax)

Date: January 19, 2009

To: Golden Valley Planning Commission

From: Kevin Knase, Planning Intern

Subject: Proposed Revisions to Accessory Structures Requirements Addressing Garden Structures in the Definitions, Single Family (R-1) Zoning District and the Moderate Density Residential (R-2) Zoning District.

Currently, Garden Structures are not addressed in the City Code. Garden Structures are pergolas, arbors, or any other structure that is defined as an open-roof of cross rafters that features a wooden or lattice-work frame with a primarily aesthetic purpose. This has come to the attention of city staff as a result of construction of Garden Structures by residents in Golden Valley. For this reason, city staff has elected to make additions to the Definitions, Single Family Residential (R-1) and Moderate Density Residential (R-2) Zoning Districts Accessory Structures sections of the City Code to give clear guidance on this issue.

Additions made for Garden Structures include:

Location	Garden Structures will be allowed in the front yard so long as they meet the following requirements:
Setbacks	Front Yard: No less than five (5) feet from the front property line along a street right-of-way line.
Separation between Structures	Except for those Garden Structures attached to the principal Structure or another accessory structure, Garden Structures shall be located no less than ten (10) feet from any principal structure and from any other accessory structure to which it is not attached.
Size	If a Garden Structure is attached to an accessory structure, the footprint of the two structures shall be included together as one structure. If attached to a principal structure, the footprint shall be calculated as the square footage of only the Garden Structure. Garden Structures shall not exceed one hundred twenty (120) square feet in the front yard.

Staff recommends amending City Code to allow these changes to be made to the Definitions and Accessory Structures sections of the City Code and requests that the Planning Commission recommend approval of the proposed ordinance.

Attachments

Proposed language in Sections 11.03 Definitions, 11.21 Single Family Zoning District (R-1) and Section 11.22 Moderate Density Residential Zoning District (5 pages)

In Section 11.03 Definitions:

43.5 Garden Structure: A pergola, arbor, or any other structure that is defined as an open-roof of cross rafters that features a wooden or lattice-work frame with a primarily aesthetic purpose.

In Section 11.21: Single Family Zoning District (R-1):

***Subdivision 12. Accessory Structures**

Subject to the modifications in Subdivision 12, below, accessory structures, shall be governed by the following requirements:

- A. Location and Setback Requirements. The following location regulations and setbacks shall be required for accessory structures in the R-1 zoning district:
 1. Location. ~~A Detached accessory structure shall be located completely to the rear of the principal structure, unless it is built with frost footings. In that case, an accessory structure may be built no closer to the front setback as the principal structure. If an addition is built on to an existing principal structure that would create a situation where an existing garage or accessory structure would not be completely to the rear of the addition to the principal structure, the addition to the principal structure may be built and the existing garage or accessory structure may remain and be considered conforming as long as there is at least ten (10) feet of separation between the existing principal structure with the addition and the existing garage or accessory structure. Additions may be made to the existing garage or accessory structure as long as the ten (10) feet of separation can be met.~~ Except for detached accessory structures built with frost footings, and detached garden structures, any accessory structures shall be located completely to the rear of the principal structure. If an addition is built on to an existing principal structure that would create a situation where an existing garage or accessory structure would not be completely to the rear of the addition to the principal structure, the addition to the principal structure may be built and the existing garage or accessory structure may remain and be considered conforming as long as there is at least ten (10) feet of separation between the existing principal structure with the addition and the existing garage or accessory structure. Additions may be made to the existing garage or accessory structure as long as the ten (10) feet of separation can be met.
 2. Front Setback. Accessory structures shall be located no less than thirty-five (35) feet from the front property line along a street right-of-way line. Garden structures are excluded from this and shall be located no less than five (5) feet from the front property line along a street right-of-way line.

3. Side and Rear Setbacks. Accessory structures shall be located no less than five (5) feet from a side or rear yard property line.
 4. Separation between structures. ~~Accessory structures shall be located no less than ten (10) feet from any principal structure and from any other accessory structure.~~ Except for garden structures attached to the principal structure or another accessory structure, accessory structures including without limitation detached or stand alone garden structures shall be located no less than ten (10) feet from any principal structure and from any other accessory structure. A garden structure attached to a principal structure must be completely to the rear of the principal structure, and must be located no less than ten (10) feet from any other accessory structure. A garden structure attached to another accessory structure must be located no less than ten (10) feet from the principle structure or any other accessory structure to which it is not attached.
 5. Alleys. Accessory structures shall be located no less than five (5) feet from an alley.
- B. Height Limitations. No accessory structure shall be erected in the R-1 Zoning District to exceed a height of one (1) story, which is ten (10) feet from the floor to the top horizontal member of a frame building to which the rafters are fastened, known as the top plate.
- C. Provision for garage. No building permit shall be issued for a single family dwelling not having a two (2) stall garage unless the registered survey submitted at the time of the application for the building permit reflects the necessary area and setback requirements for a future two (2) stall (minimum) garage.
- D. Cornices and Eaves. Cornices and eaves may not project more than thirty (30) inches into a required setback.
- Source: Ordinance No. 292, 2nd Series
Effective Date: 3-12-04*
- E. Each property is limited to a total of one thousand (1,000) square feet of the following accessory structures: detached and attached garages, detached sheds, and greenhouses-, gazebos, and garden structures. Swimming pools are not included in this requirement. No one (1) detached accessory structure may be larger than eight hundred (800) square feet in area and any accessory structure over one hundred twenty (120) square feet in area requires a building permit. For purposes of calculating the square footage of any garden structure attached to another accessory structure, for the limitations in this section, the footprint of the attached garden structure shall be included with the accessory structure to which it is attached as if the attached accessory structures were one. For purposes of calculating the square footage of any garden structure attached to a principal structure the

footprint of the attached garden structure shall be calculated by determining the footprint of the attached garden structure alone.

*Source: Ordinance No. 382, 2nd Series
Effective Date: 3-28-08*

- F. Size of Accessory Structures. No accessory structure shall be larger in size than the principal structure. (See Subdivision 4(A)(1)). Garden structures shall not exceed one hundred twenty (120) square feet in area in the front yard.
- G. Swimming pools. Swimming pools shall meet the same setback and location requirements for accessory structures. Setbacks shall be measured from the property line to the pool's edge. Decks surrounding above ground pools shall meet setback requirements.
- H. Decks. Free standing decks or decks attached to accessory buildings shall meet the same setback requirements for accessory buildings. (See Subdivision 14.)
- I. Central Air Conditioning Units. Central air conditioning units shall not be allowed in the front yard of a single family home.

*Source: Ordinance No. 292, 2nd Series
Effective Date: 3-12-04*

- J. Roof. Gambrel and Mansard roofs are not permitted on any accessory building with a footprint of more than one hundred twenty (120) square feet.

*Source: Ordinance No. 382, 2nd Series
Effective Date: 3-28-08*

In Section 11.22: Moderate Density Residential Zoning District (R-2)

Subdivision 11. Accessory Structures

Accessory structures shall be governed by the following requirements:

- A. Location and Setback Requirements. The following location regulations and setbacks shall be required for accessory structures in the R-2 Zoning District:
 - 1. Location. ~~A detached accessory structure shall be located completely to the rear of the principal structure, unless it is built with frost footings. In that case, an accessory structure may be built no closer to the front setback and side setback as the principal structure. If an addition is built on to an existing principal structure that would create a situation where~~

~~an existing garage or accessory structure would not be completely to the rear of the addition to the principal structure, the addition to the principal structure may be built and the existing garage or accessory structure may remain and be considered conforming as long as there is at least ten (10) feet of separation between the existing principal structure with the addition and the existing garage or accessory structure. Additions may be made to the existing garage or accessory structure as long as the ten (10) feet of separation can be met. Except for detached accessory structures built with frost footings, and detached garden structures, any accessory structures shall be located completely to the rear of the principal structure. If an addition is built on to an existing principal structure that would create a situation where an existing garage or accessory structure would not be completely to the rear of the addition to the principal structure, the addition to the principal structure may be built and the existing garage or accessory structure may remain and be considered conforming as long as there is at least ten (10) feet of separation between the existing principal structure with the addition and the existing garage or accessory structure. Additions may be made to the existing garage or accessory structure as long as the ten (10) feet of separation can be met.~~

2. ~~Front Setback. Accessory structures shall be located no less than thirty-five (35) feet from the front property line along a street right-of-way line. Except for detached accessory structures built with frost footings and detached garden structures, any other accessory structures shall be located no less than thirty-five (35) feet from the front property line along a street right-of-way line. Detached accessory structures built with frost footings may be built no closer to the front setback and side set back than the principal structure. Detached garden structures may be located no less than five (5) feet from the front property line along a street right-of-way line.~~
3. ~~Side and Rear Setbacks. Detached accessory structures shall be located no less than five (5) feet from a side or rear yard property line.~~
4. ~~Separation between Structures. Accessory structures shall be located no less than ten (10) feet from any principal structure and from any other accessory structure. Except for garden structures attached to the principal structure or another accessory structure, accessory structures including without limitation detached or stand along garden structures shall be located no less than ten (10) feet from any principal structure and from any other accessory structure. A garden structure attached to a principal structure must be completely to the rear of the principal structure, and must be located no less than ten (10) feet from any other accessory structure. A garden structure attached to another accessory structure must be located no less than ten (10) feet from the principle structure or any other accessory structure to which it is not attached.~~

- B. Height limitations. No accessory structure shall be erected in the R-2 Zoning District to exceed a height of one (1) story. One (1) story may not exceed ten (10) feet from the floor to the top plate. Attic space in accessory structures shall be used only for storage and/or utility space.
- C. Garage Construction Required. No building permit shall be issued for the construction of a new principal structure in the R-2 Zoning District not including at least a one (1) stall garage per dwelling unit. Single family dwelling units shall require a two (2) stall garage.
- D. Accessory structures including detached and attached garages, detached sheds, greenhouses, ~~and gazebos,~~ and garden structures shall be limited in size to a total of six hundred fifty (650) square feet per dwelling unit. Swimming pools are not included in this requirement. Garden structures shall not exceed one hundred twenty (120) square feet in area in the front yard. For purposes of calculating the square footage of any garden structure attached to another accessory structure, for the limitations in this section, the footprint of the attached garden structure shall be included with the accessory structure to which it is attached as if the attached accessory structures were one. For purposes of calculating the square footage of any garden structure attached to a principal structure the footprint of the attached garden structure shall be calculated by determining the footprint of the attached garden structure alone.
- E. Decks. Free standing decks or decks attached to accessory structures shall meet the same setback requirements as accessory structures.
- F. Swimming pools. Swimming pools shall meet the same setback and location requirements as accessory structures.
- G. Central Air Conditioning Units. Central air conditioning units shall not be allowed in the front yard of any single or two-family dwelling.

*Source: Ordinance No. 371, 2nd Series
Effective Date: 07-13-07*

Wittman, Lisa

From: Kim J. Donat [kdonat@bestlaw.com]
Sent: Thursday, February 11, 2010 6:01 PM
To: Hogeboom, Joe
Cc: Allen D. Barnard; Wittman, Lisa; Grimes, Mark
Subject: RE: Garden Structure Language
Attachments: image002.jpg; image001.gif

Joe,

As discussed in our phone call it appears that "Garden Structure" which is not defined elsewhere in the zoning code would also fall under the definition of accessory structures (i.e., garden structures are a type of accessory structure):

- 1. Accessory Use or Structure:** A use or structure subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure except as provided for Essential Services.

Source: Ordinance No. 80, 2nd Series

The proposed language doesn't go far enough to ensure that the garden structure wouldn't be subject to the more stringent requirements imposed on accessory structures generally, and it appears that the Council's goal is to have minimal restrictions on garden structures. If the restrictions below fully encompass all the restrictions relating to "Free standing garden structures, such as pergolas, permanent outdoor fireplaces or grills, and arbors," the definition of accessory structures should exclude "Garden Structures" and the term "Garden Structures" should be separately defined, and then you should add a separate section (either Subd. 20 or as Subd. 13 – with the remaining sections renumbered) regarding the restrictions on Garden Structures so it is clear that Garden Structures are not subject to Accessory Structure restrictions.

- ✓ **1. Accessory Use or Structure:** A use or structure (other than a garden structure) subordinate to the principal use of the land or a building on the same lot and serving a purpose customarily incidental to the principal use or structure except as provided for Essential Services".
- ✓ ^{42.5} **44. Garden Structure:** A permanent outdoor fireplace or grill, or a free standing or attached structure such as a pergola or arbor [which serves a purpose customarily incidental to the principal structure with a primarily aesthetic purpose.]
- ✓ ^{in R-1, Subd. 12 in R-2} **Subd. 20** ~~may~~ ^{shall} Garden Structures shall be located no closer than five feet to any property line. Garden structures ~~may~~ ^{shall} not exceed ten (10) feet in height.

As we discussed, the Council had considered the possibility that a large grill or fireplace could be built in the front yard with a minimal set back, which might have some aesthetic challenges but their concern was primarily to decrease regulations relating to garden structures which includes grills and fireplaces. It was also my understanding from our phone conversation that the Council meant to include attached and detached pergolas and arbors so my suggestion would be to include reference to both in the definition. In the definition of "garden structure" I provided some bracketed language, I think this directs the reader to a better understanding of what should fall within the definition of "garden structure" but the definition could exclude the bracketed language if the Council is satisfied their earlier language.

Kim

Kim JoDene Donat
Best & Flanagan LLP
225 South Sixth Street, Suite 4000
Minneapolis, MN 55402-4690
Phone: 612-341-9721
Fax: 612-339-5897

TD Judy
1-27-10

NOTICE OF PUBLIC HEARING

**Amend the City Code to Consider a
Zoning Code Text Amendment Regarding Garden Structure Requirements
in Section 11.03 Definitions, Section 11.21, Subd. 12 Single Family Zoning
District (R-1) and Section 11.22, Subd. 11 Moderate Density Zoning District
(R-2) of the Zoning Code
City of Golden Valley, Applicant**

NOTICE IS HEREBY GIVEN that the City Council for the City of Golden Valley, Hennepin County, Minnesota, will meet at the Golden Valley City Hall, Council Chambers, 7800 Golden Valley Road, on Tuesday, February 16, 2010 at 7 pm, and will then and there hold a formal public hearing to consider amending Section 11.03 Definitions, Section 11.21, Subdivision 12 Single Family Zoning District (R-1) and Section 11.22, Subdivision 11 Moderate Density Zoning District (R-2) to establish requirements for garden structures.

All interested persons may appear in person or by counsel and be heard. If you require auxiliary aids or services to participate or communicate in this meeting, please contact Judy Nally at 763-593-3991 (TTY: 763-593-3968) 48 hours before the meeting time to make a request. Examples of auxiliary aids or services may include sign language interpreter, assistive listening device, accessible meeting location, etc.

BY ORDER OF THE CITY COUNCIL
Susan M. Virnig, City Clerk

