

1. Call to order – Roll Call
2. Approval of Minutes of February 24, 2010 and March 3, 2010
3. Hearings
 - A. Galaxy Drive-In Conditional Use Permit and Plat
Public Hearing Postponed
Location: 3712 Quebec Ave. S. and 3715 Rhode Island Ave. S.
Applicant: JS Holdings, LLC
Case No.: 10-06-CUP and 10-07-S
 - B. Preliminary and Final Plat – Dental Office
Location: 3345 Dakota Ave. S.
Applicant: Jeff Miller
Case No.: 10-08-S
 - C. Proposed amendments to Zoning Ordinance Wind Energy Conversion Systems
Applicant: City of St. Louis Park
Case No.: 10-09-ZA
 - D. Proposed amendments to Zoning Ordinance relating to Electronic Signs
Applicant: City of St. Louis Park
Case No.: 10-10-ZA
4. Other Business
5. Communications
6. Adjournment

STUDY SESSION

1. Beth El Synagogue – Building Modifications

If you cannot attend the meeting, please call the Community Development Office, 952/924-2572.

Auxiliary aides for individuals with disabilities are available upon request. To make arrangements, please call 952/924-2572 at least 96 hours in advance of meeting.

3a. Galaxy Drive-In – Conditional Use Permit and Preliminary/Final Plat
3712 Quebec Avenue South

Case No.: 10-06-CUP & 10-07-S

Recommended Motion to continue public hearing until April 7th, 2010.

Action:

Description of Request:

Requested is approval of a Conditional Use Permit (CUP) for a drive-in restaurant and a Preliminary and Final Plat to combine two lots into one. Schussler Creative, owner of the Galaxy Drive-In, is the applicant. The request is associated with a new parking lot that would be located immediately west of the existing drive-in restaurant. To construct the parking lot, one single family home would be removed.

Background:

Subsequent to the publication of the public hearing date in the Official Newspaper, it was determined that a Variance application was needed for consideration concurrently with the CUP and Plat.

The Variance request is in association with the front yard setback for the proposed parking lot. Although there is sufficient space on the site to accommodate the parking lot while meeting the setback, the parking lot is proposed to be closer to the front property line to improve the level of screening between the parking lot and the neighbor to the south. There is no setback required for the parking lot toward the rear (south) of the property. To improve the screening, however, the applicant is providing an eight-foot setback area that includes an eight-foot privacy fence and substantial landscaping. As a result, the parking lot was shifted toward the front of the property, adjacent to a large swath of Mn/DOT right-of-way and closer to Highway 7.

A site plan for the proposal is attached for review. The Variance application will be included as part of the Planning Commission review and public hearing for this item on April 7th.

Attachments: Proposed Site Plan

Prepared by: Adam Fulton, Planner

Reviewed by: Meg McMonigal, Planning and Zoning Supervisor

3B. “Dental Office Addition” – Preliminary & Final Plat

Location: 3345 Dakota Avenue South

Case No.: 10-8-S

Recommended Close public hearing.

Action: Motion to recommend approval of the preliminary and final plat of the plat named “Dental Office Addition”.

Zoning: R2 – Single Family Residential

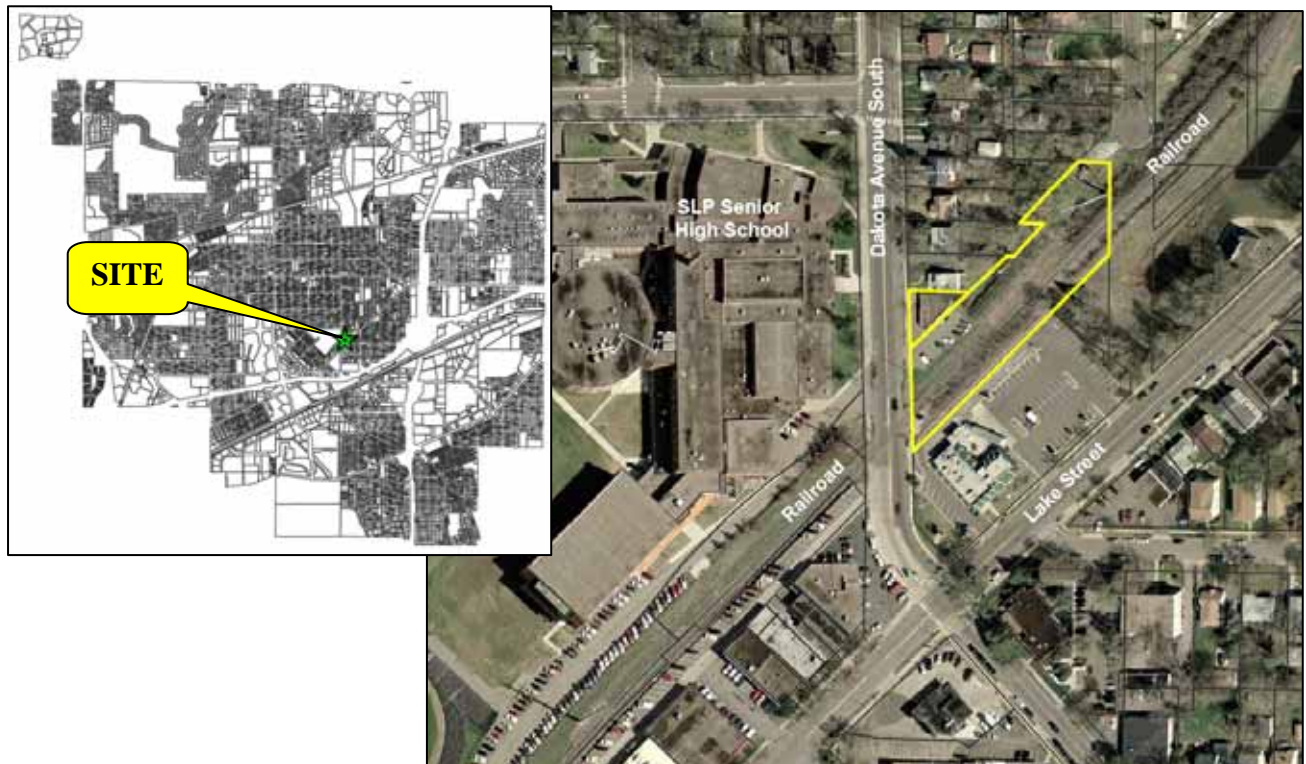
Comprehensive Plan: Commercial

Applicant: Dr. Jeff Miller

Description of Request:

The applicant is proposing to purchase land from the adjacent property owned by Canadian Pacific Railroad, and combine the newly acquired land with his property at 3345 Dakota Ave S.

Location:



REQUEST:

The applicant is asking for a combined preliminary and final plat to remove approximately 1,600 square feet of land from the railroad parcel and combine it with the parcel owned by the applicant. The request will not result in the creation of a new lot.

The applicant would like to purchase the land from Canadian Pacific Railroad who owns the railroad parcel, because his parking lot is located on their property, and he does not have a parking agreement, lease or easement to allow it. Initially, the applicant wanted to purchase enough land so that he would own all the land his parking lot utilizes. However, Canadian Pacific has a policy of owning 50 feet of land measured from the centerline of the tracks. When this policy is applied to this property that leaves 13 feet of excess property that could be sold. The 13 feet of land covers the drive aisle only, therefore, the parking spaces will remain on Canadian Pacific's property. Canadian Pacific will enter into a lease agreement with the applicant to allow the parking spaces to stay.

It may be possible that Canadian Pacific would lease the entire parking lot area to the applicant rather than sell some of the land; however, the applicant's first priority is to purchase additional land where he can. His parcel is small, only 3,450 square feet in area. The additional 1,600 square feet would increase the parcel size to 5,050 square feet.

ANALYSIS:

Land Use:

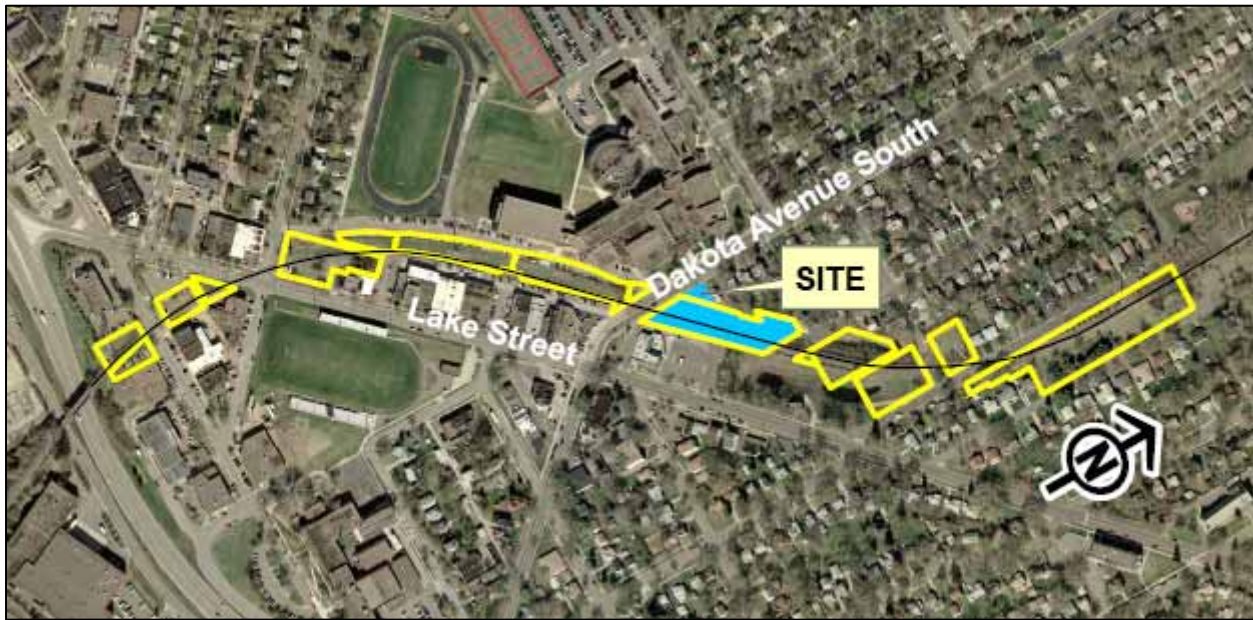
The current use of the applicant's property is a dental office. Since the property is zoned R-2 Single Family Residential, the dental office use is legally non-conforming. Adding land to a lot containing a legally non-conforming use is permissible. The use may not expand by increasing building area or number of parking spaces, which is not planned. It is also unlikely that the building or parking lot could expand, even if the plat is approved, due to the small lot size.

Lot Size:

The minimum lot size for the R-2 Single Family District is 7,200 square feet. The subject property is 3,450 square feet, making it legally non-conforming. Adding the proposed 1,600 square feet will bring the property up to 5,050 square feet, thereby bringing the property closer to conformance.

Railroad Right-of-Way:

As noted above, Canadian Pacific Railroad has a policy stating they want to own at least 50 feet of land measured from centerline of the tracks. The property lines defining the railroad right-of-way throughout the city are highly irregular. The exhibit below shows the property owned by the railroad from Highway 7 north to Brunswick Ave, representing approximately 3,500 feet of railroad track. The center of the track is represented by the black line running through the parcels. The distance from center of track to property line varies considerably throughout the city, and in this stretch it ranges from less than 10 feet to more than 100 feet.



Freight Rail Study:

Hennepin County Regional Rail Authority (HCRRA) has authorized its staff to prepare a Request for Proposals (RFP) to hire a consultant to complete a “Kenilworth Freight Relocation Study.” The study will look in detail at rerouting Twin Cities & Western (TC&W) rail traffic to the MNS-Canadian Pacific (north-south tracts) line in St. Louis Park, which includes the subject property. The study would include environmental documentation, preliminary engineering, community impact assessment, and a public involvement process. Currently the RFP for consultants is being drafted. The County expects to hire a consultant and begin the study this spring; the study is expected to take 6-8 months to complete.

Since the study has yet to begin, and will take approximately 6-8 months to complete, it is difficult at this time to predict the importance of the 1,600 square feet of railroad property proposed to be sold, or the impact it may or may not have on plans to reroute train traffic. The sale would leave 50 feet of railroad land between the track centerline and the property line, which meets Canadian

Pacific's needs and policies. The 50 feet also exceeds the distance found at many areas along the tracks throughout the city.

Recommendation:

Staff recommends approval of the Preliminary and Final Plat of Dental Office Addition.

Attachments: Street view from Dakota Ave S.
Preliminary Plat
Final Plat

Prepared by: Gary Morrison, Assistant Zoning Administrator

Reviewed by: Meg McMonigal, Planning & Zoning Supervisor

Street view from Dakota Ave S.



3C. Draft Zoning Ordinance Amendment Pertaining to Wind Energy Conversion Systems (WECS).

Case No.: 10-9-ZA

Recommended Close public hearing.

Action:

Motion to recommend approval of the draft zoning ordinance amendment pertaining to Wind Energy Conversion Systems (WECS).

DESCRIPTION OF REQUEST:

Staff is proposing amendments to the Zoning Ordinance pertaining to Wind Energy Conversion Systems (WECS). The purpose of the amendments is to define WECS, identify the manner in which they are permitted, where they are permitted and to establish performance and design standards.

BACKGROUND:

On March 23, 2009, the City Council received a report from staff outlining current regulations as they pertain to wind turbines. The conclusion was that existing regulations do not specifically address WECS, and that they may not currently be allowed under the zoning ordinance. It was determined that it would be best to be proactive and take a closer look at the issue of wind generators and city regulations.

WECS Report:

Since the March 23rd meeting, staff attended two separate seminars on WECS. The city also hired Brian Ross, Principal of CR Planning Inc. to provide a framework for WECS regulations. His firm specializes in energy planning, and has assisted numerous cities, counties and some states including Minnesota in formulating energy policies and regulations. Mr. Ross reported on the feasibility of WECS in St. Louis Park, taking into consideration research and resources available, current and anticipated WECS technology and general development patterns, topography and ground cover in St. Louis Park.

The WECS report was presented to the Planning Commission on January 6, 2010 and the Council on January 25, 2010. It is attached, and highlights of the report are as follows:

- Two reasons for having regulations on wind energy installations are:

- i. To promote or encourage renewable energy and energy efficiency; and
 - ii. To address actual or perceived nuisances associated with wind energy installations.
- Wind energy installations are not the most cost effective means to reduce energy bills, however they can be a step toward sustainability and energy self sufficiency.
 - The Twin Cities Metropolitan Area is an area of poor wind resources. The urban landscape creates a low-speed and turbulent wind resource that is difficult to capture with existing technology.
 - Wind generators can be categorized into three broad types, Utility-scale generators, Small wind generators (potentially powering a single site); and, Micro wind systems (emerging technology – very low power generators)
 - St. Louis Park does not have any large scale wind opportunities. Some property owners may be interested in pursuing small or micro scale generators.
 - While micro wind systems may be the most applicable type for St. Louis Park, most of our residential areas are not appropriate for these systems because of:
 - Visual impacts - the height needed is at least 30 feet above obstructions,
 - Tower fall zone is needed at 100% or more of height,
 - Noise is generated from WECS and can be an issue.

WECS Draft Ordinance:

In addition to studying the feasibility of wind energy in St. Louis Park, Mr. Ross assisted staff in preparing a draft ordinance. This draft is written based on the study findings that wind is not considered to be a viable energy alternative for most of the city. Even WECS installed in areas that have good topography, clear zones and height are still not expected to be cost effective due to the cost of the system and low consistent wind speeds. Therefore the intent of the draft ordinance is to allow WECS only in the large open areas typically found in commercial, industrial and park areas where they are most effective. In conjunction with the ordinance, the city will continue to encourage home owners to pursue more efficient means of saving energy and money by utilizing existing programs to replace windows, siding, roofs, insulation and appliances.

In summary, the draft ordinance proposes the following:

1. WECS would be allowed in the commercial, office and industrial districts only.
2. 1-1.5 acre minimum lot sizes would be required.
3. Minimum setbacks from property lines would be 110% of the WECS height.
4. Roof-mounted WECS would not be allowed.
5. Towers would be required to be monopole design only, without guyed wires.
6. WECS would be required to meet noise limits defined in existing city code.
7. Several other design and general requirements.
8. The following table (36-369A) is part of the amendment, and identifies the zoning in which WECS are permitted, the maximum height and number allowed per lot, and the minimum lot size.

Table 36-369A				
WIND ENERGY CONVERSION SYSTEM STANDARDS				
District	Height Limit (feet)*		Max. # of WECS per lot*	Minimum Lot Size
	Permitted up to	Conditional Use up to		
C-2	110	170	2	1.5
O	110	170	2	1.5
I-P	110	199	4	1.5
I-G	110	199	4	1.5
* The height and number of systems per lot is dependent on meeting the setback requirements.				

The draft ordinance is attached for your review.

RECOMMENDATION:

Staff recommends closing the public hearing, and recommending approval of the draft zoning ordinance amendment pertaining to Wind Energy Conversion Systems (WECS).

Prepared by: Gary Morrison, Assistant Zoning Administrator

Reviewed by: Meg McMonigal, Planning & Zoning Supervisor

Attachments: Draft Ordinance
WECS Feasibility Report

3D. Draft Zoning Ordinance Amendment Pertaining to Electronic Signs and miscellaneous items.

Case No.: 10-10-ZA

Recommended Close public hearing.

Action: Motion to recommend approval of the draft zoning ordinance amendment pertaining to electronic signs and miscellaneous items.

DESCRIPTION OF REQUEST:

Staff is proposing an amendment to Section 36-362 of the zoning ordinance, pertaining to signs. The purpose of the amendment is to establish performance standards for electronic signage and to correct errors in the code relating to references to bufferyards, which are no longer required.

BACKGROUND:

The Planning Commission reviewed the existing zoning ordinance pertaining to signs and the proposed draft amendment On August 19, 2009, in a study session. Staff also discussed the proposed amendments and commission comments at a Council study session on November 2, 2009. At both the Planning Commission and Council study sessions, brightness standards and perceived motion/flashing were raised as a concern. As a result, staff invited Daktronics, a major manufacturer of digital message centers, to demonstrate the effects of brightness and animation/flashing at a Planning Commission study session on January 6, 2010. Following these discussions, staff was directed to begin the process to adopt the draft amendment.

A letter summarizing the proposed changes was sent to all property owners that currently own and operate an electronic sign. The letter was hand delivered to most properties, and mailed to a couple that could not be reached. In addition to hand delivering the letters, staff reviewed the changes in person with the sign owners. Only one property owner, DESQ located on Hwy 100, expressed concerns about the limitations on scrolling, flashing and brightness levels.

The draft amendment was reviewed by the city attorney, and his recommendations were incorporated into the draft.

In addition to the proposed language pertaining to electronic signage, staff is recommending several amendments that strike all remaining references to bufferyards. In 2007, the city adopted an amendment revising the landscaping ordinances. This amendment included eliminating the

bufferyard requirement, and all references to them. Some references were missed, and they are included in this amendment to be struck from the code.

PROPOSED AMENDMENTS

Lighting/Brightness.

Existing Ordinance:

The current ordinance regulates externally lighted signs only. It does not adequately address backlit or electronic signs. The ordinance is intended to prevent the light source from being a safety hazard or nuisance to traffic and adjacent property owners. The current ordinance does not establish a maximum brightness level allowed for a sign. The only language in the current ordinance addressing lighting is as follows:

- (6) *Lighting.* Direct rays or glare of light from an illuminated sign shall not be visible from public rights-of-way or property other than that on which the illuminated sign is located. Any external source of illumination must be provided with shields or lenses which concentrate the light onto the sign.

Proposed Ordinance:

In addition to adding language to prevent lighting from becoming a safety or nuisance problem, the amendment proposes adding standards that would:

1. Allow electronic signs existing prior to the adoption of this ordinance to have a brightness level up to 5000 nits during the day and 500 nits at night. These limits are an industry standard, and are common in city codes.
2. Allow electronic signs installed after the adoption of this ordinance to have a brightness level that does not exceed .3 above the ambient light levels existing throughout the day and night. This method is becoming the preferred method of measuring brightness for new signs because it incorporates new technology that automatically adjusts the brightness to the existing ambient light levels throughout the day, be it sunny, cloudy, morning, evening or night.
3. Require new signs to be certified to meet the brightness and malfunction standards of the ordinance. It also requires the sign to be recertified at any time the city determines the sign does not comply with the code.

Electronic Sign Performance Standards.

Existing Ordinance:

The current ordinance does not adequately address today's electronic sign technology. While the ordinance prohibits flashing signs, it does not adequately address animation, scrolling and frequency in which the message changes.

Proposed Ordinance:

The draft ordinance proposes to expand on the type of prohibited signs by adding signs that rotate, revolve, scroll, move, flash, blink, fade, or are animated.

The draft ordinance also proposes to add a section specifically addressing electronic signs. This section will:

1. Establish a maximum sign face of 20 feet in residential and park & open space zoning districts and 40 feet in all other zoning districts.
2. Require a message to be displayed for at least three seconds.
3. Requires existing signs to comply with all sections of this ordinance, except size. Signs that are too big can continue as legally non-conforming.
4. Require all messages to change instantly without fading or any other special effects.

Miscellaneous Amendments Related to Signs.

Non-Conforming Signs:

Rotating and electronic signs are proposed to be listed as prohibited on billboards.

Sign Permits:

Sign permits would expire if they are not installed within 180 days of issuance of the permit.

Miscellaneous Amendments Not Related to Signs.

Bufferyards:

References to bufferyards were removed from the ordinance in 2007 when the landscaping ordinance was amended to eliminate the bufferyard requirement. Some references were missed, and are proposed to be removed.

RECOMMENDATION:

Staff recommends closing the public hearing and recommending approval of the draft zoning ordinance amendment pertaining to electronic signs and miscellaneous items.

Prepared by: Gary Morrison, Assistant Zoning Administrator

Reviewed by: Meg McMonigal, Planning & Zoning Supervisor

Attachments: Draft Ordinance
Spreadsheet of existing electronic signs

Sec. 36-362. Sign regulations.

(b) Findings. The city finds that:

- (7) Electronic signs, including video display signs, are highly visible from long distances and at very wide viewing angles both day and night and are designed to catch the eye of persons in their vicinity and hold it for extended periods of time. If left uncontrolled, electronic signs, including video display signs, are highly distracting to drivers and driver distraction continues to be a significant underlying cause of traffic accidents.

(c) Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Sign, changing means a sign whose message can be readily changed, ~~either by manual or automatic~~ means.

Sign, Electronic - any characteristic of a sign that appears to have movement or that appears to change, caused by any method other than physically removing and replacing the sign or its components, whether the apparent movement or change is in the display, the sign structure, or any other component of the sign. This includes any rotating, revolving, moving, flashing, blinking, or animated display and any display that incorporates rotating panels, LED lights manipulated through digital input, digital ink or any other method or technology that allows the sign face to present a series of images, displays or video.

Sign, flashing means any ~~illuminated~~ sign, ~~which is not a changing sign~~ which emits an ~~intermittent~~ blinking or flashing light, or creates the illusion of ~~intermittent~~ blinking or flashing light by means of animation.

Sign, rotating means a sign or a portion of a sign which moves in a rotating, oscillating or similar manner ~~other than changing signs.~~

(e) Prohibited signs. The following signs are prohibited in all use districts:

- (1) Flashing signs.
- (2) Signs on or over the public rights-of-way unless the city council grants permission for a temporary sign on or over the public rights-of-way for a period of time not to exceed ten days.
- (3) Searchlights, beacons, strobe lights or other illuminated signs emitting a beam consisting of a collection or concentration of rays of light.
- (4) Rooftop signs.
- (5) Rotating signs.
- (6) Billboards.

- (7) Off-premises signs.
- (8) Inflatable signs and tethered balloons.
- (9) Signs painted directly on a building.
- (10) Signs mounted on chimneys, rooftop equipment, observation towers, flagpoles, cooling towers, elevator penthouses, commercial antennas, communication towers, belfries, church spires and cupolas.
- (11) Signs, including the sign structure or any other component of the sign, that rotate, revolve, scroll, move, flash, blink, fade, or are animated.

(f) General provisions. Subject to the following regulations, signs are a permitted accessory use in all use districts:

- (1) *Permit required.* A sign permit shall be issued prior to the installation of any sign.
 - a. Exception. Real estate signs less than 10 square feet in area, political signs and garage sale signs are exempt from the permit requirements.
 - b. Submission requirements. The following information shall be submitted prior to a sign permit being issued:
 - 1. Application form and fee. A fee shall be charged per sign, except that decorative banners and private directional signs less than 4 square feet per sign face shall be charged one fee per proposal submitted for review and approval.
 - 2. Site plan and building elevations, if applicable.
 - 3. Two sets of drawings for each sign that is proposed.
 - c. Sign permits shall be null and void if the sign is not installed 180 days after the issuance of a permit.

- (6) *Lighting.* All signs must meet the following standards:
 - a. Direct rays or glare of light from an illuminated sign shall not be visible from public right-of-way or property other than that on which the illuminated sign is located. Any external source of illumination must be provided with shields or lenses which concentrate the light onto the sign.
 - b. Brightness Standards:
 - 1. The sign shall not be brighter than is necessary for clear and adequate visibility.
 - 2. The sign shall not be of such intensity or brilliance as to impair the vision of a motor vehicle driver or to otherwise interfere with the driver's operation of a motor vehicle.
 - 3. The sign shall not be of such intensity or brilliance that it interferes with the effectiveness of an official traffic sign, device or signal.

4. The sign shall not exceed a maximum illumination of 5000 nits (candelas per square meter) during daylight hours and a maximum illumination of 500 nits (candelas per square meter) between dusk to dawn as measured from the sign's face;
5. Electronic signs installed after ***** shall meet the following standards:
 - a. A mechanism that immediately turns off the sign if it malfunctions.
 - b. A mechanism that automatically adjusts the illuminative brightness of the display according to existing ambient light conditions.
 - c. The sign shall not exceed a brightness level of 0.3 foot candles above ambient light as measured from 100 feet from the sign. All measurements shall be taken with the meter pointing at the sign and perpendicular to the sign face. The ambient light level shall be taken with the sign off. The sign brightness level shall be taken with the sign displaying a full white screen.
6. The electronic sign must be certified as complying with the brightness standards and the malfunction provision. The Certification must come from the sign manufacturer or other qualified individual and must be submitted with the sign permit application and at any time thereafter as requested by the city.
7. The person owning or controlling the sign must adjust the sign to meet the brightness standards in accordance with the city's instructions. The adjustment must be made immediately upon notice of non-compliance from the city.

(h) Special provisions. In addition to the general provisions contained in subsection (f) of this section, these special provisions apply to the following types of signs:

(8) Electronic signs. Electronic signs are allowed subject to the following conditions:

- a. The sign face shall not exceed:
 1. 20 square feet in a residential district and the Park and Open Space District.
 2. 40 square feet in all other districts.
- b. The maximum sign face established above shall not be in excess of the maximum sign area allowed in table36-362A.
- c. No more than one sign face may be visible from any off-site location.
- d. Messages and/or images must be displayed for at least three seconds.
- e. Electronic signs existing on *(effective date of this ordinance)* must comply with this section, except that electronic signs that exceed the maximum size limit above may continue as a non-conforming sign as to size.
- f. Messages or displays must change instantaneously. Using any type of special effect to change from one message or display to another is prohibited.

(i) Nonconforming signs.

(5) Billboards.

- a. Any billboard in existence as of the date of the ordinance from which this section is derived was adopted may remain in place if it is not increased in sign area or height and is maintained in conformance with the general provisions of this chapter. The following are not permitted on billboards:

1. Flashing signs.
 2. Changing signs, ~~unless they are limited to a display of either time, temperature or stock market indices.~~
 3. Rotating signs.
 4. Electronic signs.
- b. The maximum height of a billboard shall be 35 feet, including extensions, measured as required by subsection (c) of this section.
- c. Billboards which have been destroyed or damaged must be removed when the cost of repair equals more than 50 percent of the appraised physical value of the structure.

Sec. 36-162. Restrictions and performance standards.

(b) Definitions. For the purpose of subsections ~~(e)(7), (e)(8), (e)(9) and (e)(10)~~ (d) and (e) of this section, the listed terms are defined as follows:

Back yard means the area between a line created by extending the rear face of the principal building and the rear lot line.

Front yard means the area between a line created by extending the front face of the principal building and the street in front of the house.

Side yard means area between the front and back building walls and the side lot line.

Sec. 36-193. C-1 neighborhood commercial district.

(e) Accessory uses. The following uses shall be permitted accessory uses in a C-1 district:

- (5) Outdoor seating and service of food and beverages is permitted as an accessory use to a restaurant if:
 - a. The use shall not be located in the interior side or back yard if the use is separated from any adjacent to a parcel that is occupied by a residential dwelling use by a building wall or F8 wall. This provision will not apply if the first floor of the building located on the adjacent

parcel is not occupied by a residential dwelling or if a residential dwelling is located above the restaurant.

Sec. 36-194. C-2 general commercial district.

(f) **Accessory uses.** The following uses shall be permitted accessory uses in any C-2 district:

(7) Outdoor seating and service of food and beverages is permitted as an accessory use to a restaurant if:

- a. The use shall not be located in the interior side or back yard if the use is separated from any adjacent to a parcel that is occupied by a residential dwelling use by a building wall or F8 wall. This provision will not apply if the first floor of the building located on the adjacent parcel is not occupied by a residential dwelling or if a residential dwelling is located above the restaurant.

Sec. 36-243. I-P industrial park district.

(d) **Uses permitted by conditional use permit.** No structure or land in an I-P district shall

(4) *Group Daycare/Nursery Schools.*

- a. A minimum of 40 square feet of outside play space per pupil shall be provided and such space shall be enclosed by a 42 inch minimum height fence ~~and bufferyard D.~~

- c. Outdoor play areas shall be located a minimum of 15 feet from any property lines ~~and shall be screened with a bufferyard D.~~

Section 36-361 Off Street Parking areas

(m) Off-street loading facilities.

- (1) Loading zones. The off-street loading requirement for nonresidential buildings with less than 20,000 square feet may be satisfied by the designation of a loading zone area on the site. This loading zone area shall be separate from any required off-street parking area and access to the loading zone area shall be provided which does not conflict with automobile circulation to, from or within the site.
- (2) Loading docks, berths and facilities.

- g. Screening. All berths shall be screened from view from the adjoining streets ~~with a bufferyard F and any property in an R district by a bufferyard F. Materials used shall provide screening which~~ The screening shall consist of a minimum 10 foot high wall and landscaping, is a minimum of ten feet high when installed. Walls shall be designed to be harmonious with the principal structure. ~~The width of the driveway at the property line shall be excluded from the bufferyard requirement.~~

Article VI. Non-conformities

Section 36-403. Definitions.

Nonconforming ~~bufferyards~~ landscaping means ~~bufferyards landscaping~~ which does not conform to the distance, height, screening, density, material or planting requirements of this chapter.

Section 36-405. Special requirements.

- (7) *Nonconforming parking.*

- c. Uses with nonconforming parking in terms of numbers of stalls shall need not be required to provide additional parking to bring the use into compliance if such parking would occupy required yards or interfere with screening requirements ~~bufferyards~~.
- (8) *Nonconforming landscaping bufferyards.* If buildings were existing on a parcel of land on the effective date of the ordinance from which this chapter is derived which, due to their location, make construction of the required landscaping ~~bufferyards~~ impossible, then an alternative

~~landscaping plan may be approved as outlined in section 364. the following reductions in the bufferyard requirements may be made if the required bufferyard is:~~

- ~~a. A bufferyard B and the available bufferyard width is at least four feet but less than ten feet, a bufferyard shall be installed on the available width using 100 percent of the required plant units.~~
- ~~b. Either A or B and the available bufferyard width is less than four feet, an F1 fence and 50 percent of the plant units required for each 100 linear feet of bufferyard shall be installed.~~
- ~~c. Either C or D and the available bufferyard width is at least four feet but less than ten feet, the bufferyard shall be installed on the available width using an F2 fence plus 50 plant units for each 100 linear feet of bufferyard.~~
- ~~d. Either C or D and the available bufferyard width is less than four feet, an F4 fence shall be installed plus 25 plant units for each 100 linear feet of required bufferyard.~~
- ~~e. Either E or F and the available bufferyard width is at least ten feet but less than 15 feet, the bufferyard shall be installed on the available width using a BW1 berm wall plus 75 plant units per 100 linear feet of required bufferyard.~~
- ~~f. Either E or F and the available bufferyard width is at least four feet but less than ten feet, the bufferyard shall be installed on the available width using an F6 wall and 50 plant units per 100 linear feet of required bufferyard.~~
- ~~g. Either E or F and the available bufferyard width is less than four feet, the bufferyard shall be installed on the available width using an F6 wall plus 25 plant units per 100 linear feet of required bufferyard.~~

Beth El Synagogue
5224 26th Street West

Study Session discussion item

Background:

Beth El Synagogue is proposing a minor expansion to its facility located at 5224 26th Street West. The proposal includes modifications to the entry and drop-off area and a new education center on the building's east side. A Conditional Use Permit (CUP) is required; the synagogue is located in the R-1 district, where any religious institutions are permitted by CUP only.

Project representatives will be present at the meeting to informally review the proposal, take feedback and answer questions. A copy of the site plan, with proposed changes indicated, is attached for review.

Beth El plans to submit a CUP application and related materials to the City on March 15th. Following submittal, the proposal is tentatively scheduled to be formally reviewed by the Planning Commission as a public hearing on April 21st. Prior to the public hearing, Beth El plans to hold a neighborhood meeting. The date for the neighborhood meeting has not yet been set, but will likely take place during the week of March 22nd or March 29th.

Attachments: Proposed Site Plan

Prepared by: Adam Fulton, Planner

Reviewed by: Meg McMonigal, Planning and Zoning Supervisor