

Item 3

Case 10000M-09

**GENERAL INFORMATION**

Applicant: City of Bloomington

Request: City Code Amendment – Revise Height Standards

**REQUEST**

The 2010 work plans for both the Planning Commission and Planning Division call for updating height standards. The attached ordinance revises height standards based on Planning Commission and City Council input at multiple study meetings (see chronology below). Key proposed changes include:

- Replacing the current building height limits, which are based on proximity to “Protected Residential Property” with a new map based set of height limits that allow greater ability to regulate building height by location;
- Adding new shadow standards; and
- Adding new step back standards along pedestrian streets and along Protected Residential Property lines.

The proposed height standards retain the existing approach to regulating tower height and the height of single and two-family homes.

**ANALYSIS****Existing Height Standards**

Bloomington’s current height standards regulate building height primarily based upon a building’s proximity to “Protected Residential Property” (see Section 19.47 of the City Code, included with the agenda packet). These standards were largely adopted in 1990, through what is commonly referred to as the “skyline ordinance”. The “skyline ordinance” came in response to a citizen led effort opposing a proposed tall building in the Normandale Lake District. Several zoning districts (B-1, B-2, B-4, RO-24, RM-12, RM-24, and IP) also have district specific height limits in addition to the proximity based height limits.

A color map included with the agenda packet depicts how the current building height limits apply citywide. Tower height is also regulated by Section 19.47, which caps tower height at 100 feet in industrial zoning districts and 75 feet in other zoning districts as well as providing further limits in proximity to Designated Residential Property.

**Concerns with Existing Height Standards**

Staff concerns with Bloomington's existing height standards include the following:

*Limits Too Strict in Areas*

Bloomington's land use plans focus new growth in areas near transit and transportation resources. Areas considered most conducive to new high intensity development are along I-494 and in the South Loop, Penn American and Normandale Lake Districts. Yet, portions of these areas are highly limited for building height given their proximity to Protected Residential Property. Had the current height limits been in effect and enforced in the 1970s and 1980s, many of the taller buildings along I-494 could not have been built. The most recent example is the Hilton Hotel at I-494 and France Ave. Although limited by the "skyline ordinance" to 3 stories, the City Council granted height flexibility through the Planned Development process to build at 11 stories.

Height limits should work together with the City's land use plans to direct growth to appropriate areas.

*Limits Lacking in Areas*

While the current height limits do not allow taller buildings in some areas where they would be appropriate, they also allow taller buildings in other areas where they would be less appropriate. For example, some industrial areas, far from transit resources and freeways have no height limit today.

*Definition of "Protected Residential Property" is Too Broad*

The current building height standards limit building height in proximity to "Protected Residential Property", which is defined as property that is zoned R-1, R-1A or RS-1; guided residential and used residentially. Staff believes this definition is too broad. For example, the 15-story Knox Landing Apartment Building at the northwest corner of Knox Ave. and 82<sup>nd</sup> Street falls under the definition of "protected". Despite the fact that the building itself is 15 stories, the ordinance "protects" it by limiting height on nearby sites in the Penn-American area (where taller buildings are anticipated) to three stories in height.

*Frequent Flexibility*

As shown in Table 1 below, the current height standards have been very frequently flexed, especially to allow four-story residential buildings where only three stories were allowed by Code. The frequency of flexibility indicates that the existing height standards do not match current City policy. Regulating through a system that requires case by case flexibility is problematic in that it provides little guidance for property owners to base investment decisions on and that it provide little certainty for residential neighbors to rely on.

**Table 1 Building Height Flexibility for Buildings of 4 or More Stories Since 1990**

Site	Allowed Stories	Approved Stories	Year
Village at 9 Mile Creek Senior Building Old Shakopee Road at Penn Ave.	3	4	2008
Presbyterian Homes – Bethany 6600 Auto Club Road	3	4	2008
Portland Commons 8715 Portland Ave. S.	3	4	2008
Crossings at Valley View 8735 Portland Ave. S.	3	4	2008
Applewood Pointe Senior Cooperative 8100 Russell Ave. S.	3	4	2008
Laukka-Jarvis Condo Building 10601 Lyndale Ave. S.	2	4	2007
The Luxembourg (The Richdale Group) 5100 W. 82 <sup>nd</sup> St.	3	4 (later revised to 3)	2007
Hilton Hotel American Blvd. at France Ave.	3	11	2006
Applewood Pointe Senior Cooperative 8341 Lyndale Ave. S.	3	4	2003
Realife Senior Cooperative 9401 Lyndale Ave. S.	3	4	2002

**Proposed Height Standards**

*Changes to Definition of Protected Residential Property*

Staff proposes to modify the definition of “Protected Residential Property” as follows:

~~[Protected residential property – Any property within the City that meets the following requirements:~~

- ~~(A) — The property is zoned R-1, R-1A, or RS-1 and the property may or may not also have a Planned Development (PD) Overlay classification;~~
- ~~(B) — The property is designated on the Comprehensive Plan as Low-Density Residential, Medium-Density Residential, or High-Density Residential; and~~
- ~~(C) — The property is used or subdivided for use as residential.]~~

Protected Residential Property - Any property within the City that is:

- (A) used or subdivided for single family, two-family, townhome or rowhome residential uses;
- (B) zoned residentially; and
- (C) guided residentially by the Comprehensive Plan.

The change excludes multi-family uses that happen to be zoned R-1, of which there are many. Staff believes these uses were inadvertently and unintentionally included within the definition when it was adopted in 1990.

*Map Based Height Limits*

Rather than basing building height limits on proximity to Protected Residential Property, the updated standards would set height limits via a map (included with the agenda packet). The map becomes a part of the City Code by reference, similar to the map of zoning districts. An amendment to the map to change height limits in a given area would follow the same process as an amendment to the text of the City Code. The main advantage of this approach is that it allows height limits to be set based on multiple relevant factors, including but not limited to:

- Surrounding uses
- Proximity to transit
- Proximity to freeways and arterial streets
- Guide Plan designations
- Zoning districts
- Parcel size
- District and area plans
- Existing building height
- Potential shadows
- Intervening streets

*Shadow Standards*

To preserve daylight and solar access for existing protected residential structures, the proposed standards stipulate that new structures (or multiple structures on the same site) must not exceed a height that would cast shadows at both 10:00 a.m. and 2:00 p.m. Central Standard Time on December 21<sup>st</sup>, the shortest day of the year, on the footprint of existing residentially used buildings on Protected Residential Property. The standard allows shadows to be cast that cross protected residential structures but draws the line at situations in which residential properties sit in shadows for four or more hours in the midday on December 21<sup>st</sup>.

*Step Back Standards along Pedestrian Streets*

Many urban designers believe that streets feel most inviting to pedestrians when buildings form “outdoor rooms” in which building height at either side of the street is between one third and one half the distance between the buildings across the street from each other. If building height is greater than one half the building to building width across the street, it can create a canyon effect with lower light levels and wind tunnels. If building height is less than one third the building to building street width, the street may feel too open.

To maintain a pedestrian scale and character, to minimize the impacts of shadows and to minimize the impacts of wind currents, the ordinance includes building step back requirements along designated streets. The standards require a 1:1 step back from street centerline for the first 80 feet from centerline (see Figure 1 below) and essentially result in building step backs that limit building height near the street to one half of typical building to building separation across the street (see Table 2 below).

Figure 1

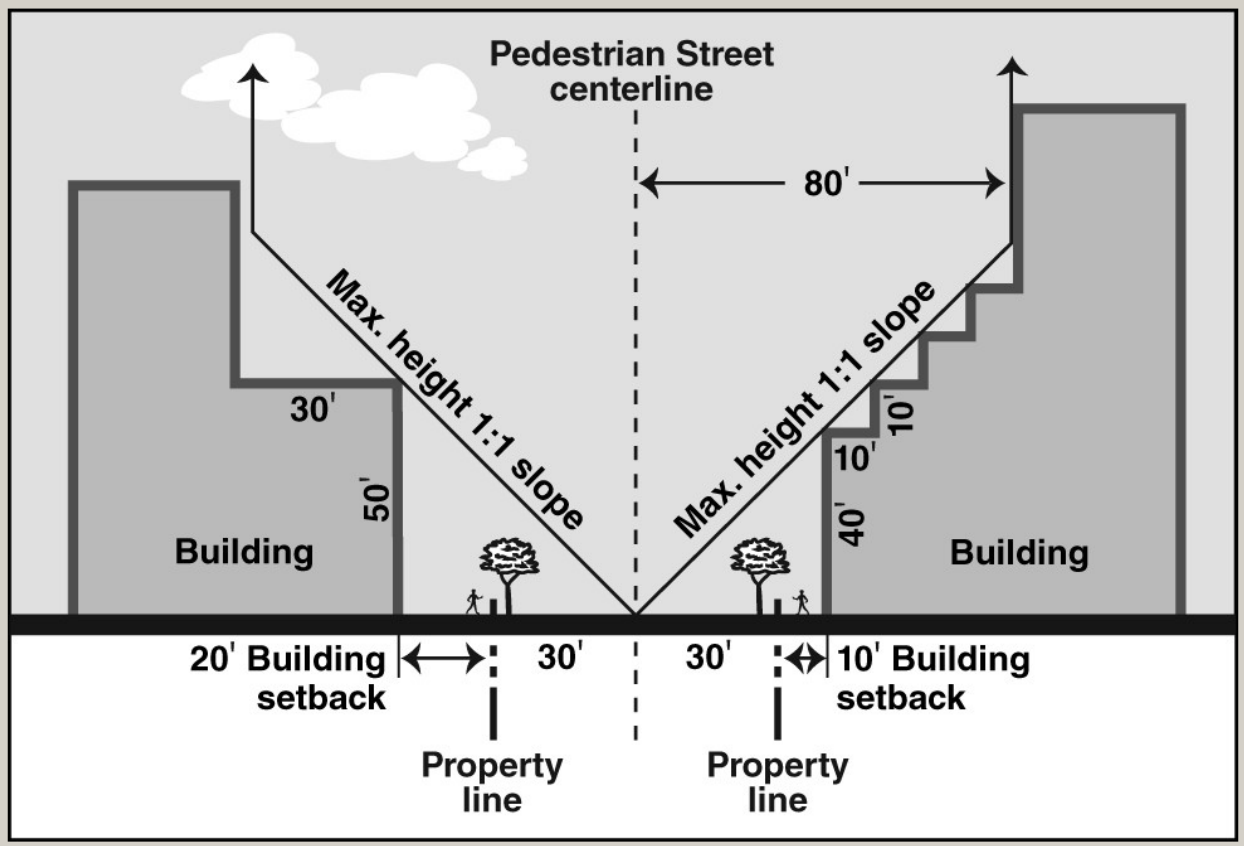


Table 2 - Examples of Building Heights to Meet 1:2 and 1:3 Ratios Given Varying Right of Way Widths and Setbacks

ROW Width	Building to Building Width (10 foot setbacks)	Height at 10 foot setback		Building to Building Width (30 foot setbacks)	Height at 30 foot setback	
		1:2	1:3		1:2	1:3
60 feet	80 feet	40 feet	27 feet	120 feet	60 feet	40 feet
80 feet	100 feet	50 feet	33 feet	140 feet	70 feet	47 feet
100 feet	120 feet	60 feet	40 feet	160 feet	80 feet	53 feet
120 feet	140 feet	70 feet	47 feet	180 feet	90 feet	60 feet

The proposed standards would apply only along Designated Pedestrian Street Segments as shown on the official height limits map. At this time, the standards are envisioned to apply only to selected streets within the Penn American and South Loop Districts. Given that the District Plans for these areas are not yet completed, the wording on the map essentially defers designation to the District Plans. Should the City Council desire to

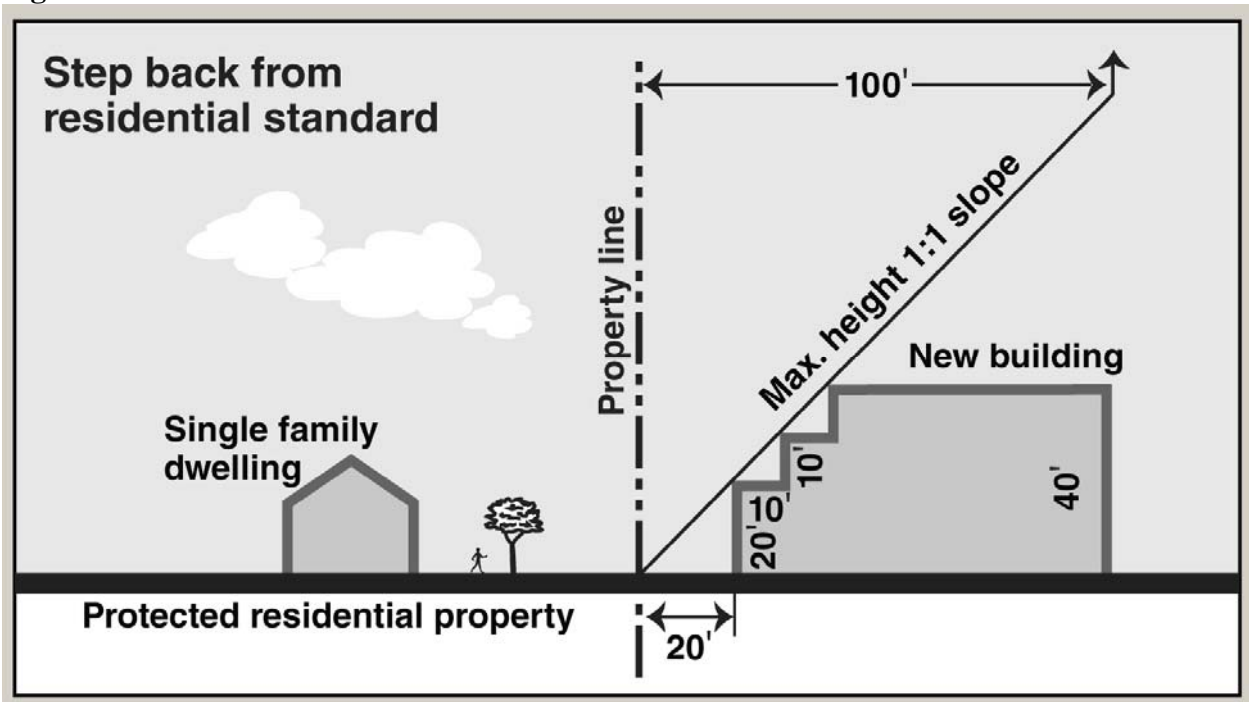
designate additional street segments to the list in the future, they would be processed as any other text amendment to the City Code.

It is important to note that given the height limits proposed at many of Bloomington’s scattered commercial nodes (typically four stories), the proposed step back standards would have no practical impact if applied there.

*Step Back Standards near Protected Residential Property*

To soften situations in which a taller building is added immediately abutting Protected Residential Property, the proposed standards also include a step back requirement within 100 feet of Protected Residential Property lines (see Figure 2). If there is an intervening street between a Protected Residential Property and the proposed new building, the step back from residential standards will have little to no practical impact considering the width of the right of way and typical building setbacks. The standard impacts building design and location predominantly in situations where a development site directly abuts protected residential.

**Figure 2**



*Standards Not Proposed to Change*

The proposed ordinance does not modify the approach taken for regulating the height of single and two family residential buildings, which was adopted in August of 2006. The proposed ordinance also does not modify the approach taken for regulating tower height, which was adopted in July 1996 and amended in June of 2001.

## **Public Outreach**

Efforts to raise public awareness of this ordinance included:

- Legal notice in the Bloomington Sun Current
- Posting on the Bloomington website (Zoning Ordinance Update Project Page)
- E-mail notice sent to all parties on the E-Subscribe mailing list for Zoning Ordinance Updates
- Presentation to the Bloomington Chamber of Commerce
- Inclusion in Bloomington Chamber of Commerce Newsletter
- E-mail with background information sent to potentially interested organizations:
  - Bloomington Chamber of Commerce
  - Building Owners and Managers Association (BOMA)
  - National Association for Industrial and Office Properties (NAIOP)
  - Minnesota Shopping Center Association (MSCA)
  - Minnesota Retailers Association (MRA)
  - Normandale College
  - Bloomington Public Schools

## **RECOMMENDATION**

In Case 10000M-09, staff recommends approval of an ordinance to revise height standards.