Excerpt from the CITY PLANNING COMMISSION MINUTES

Minneapolis Community Planning & Economic Development (CPED) Planning Division

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MEMORANDUM

DATE: February 27, 2006

TO: Steve Poor, Manager, Community Planning & Economic Development -

Planning Division; Phil Schliesman, Licenses

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic

Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic

Development Planning Division

SUBJECT: Planning Commission decisions of February 21, 2006

The following actions were taken by the Planning Commission on February 21, 2006. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Martin, El-Hindi, Krause, Krueger, LaShomb, Motzenbecker, Nordyke, Schiff and Tucker – 9

Not present: Henry-Blythe

- 3. Edward J Bock III (Vac 1481, Ward 13) the alley right-of-way between Ewing and Drew Aves S from 42nd St W to Ewing Ave S by way of a 90 degree angle turn in the alley at the south end of the block. (<u>Tara Beard</u>).
 - **A. Vacation:** Application by Edward J Bock III, of 4301 Ewing Ave S, to vacate the alley right-of-way between Ewing and Drew Aves S from 42nd St W to Ewing Ave S by way of a 90 degree angle turn in the alley at the south end of the block.

Action: The City Planning Commission recommended that the City Council adopt the findings and **approve** the vacation application subject to retention of easements by Xcel Energy and Qwest.

President Martin opened the public hearing.

No one was present to speak to the item.

President Martin closed the public hearing.

Commissioner LaShomb moved approval of the staff recommendation (Krause seconded).

The motion carried 8 - 0.

6. Humboldt Industrial Park (BZZ-2788, Ward 4) 2601 49th Avenue North (<u>Hilary Dvorak</u>). This item was continued from the February 6, 2006 meeting.

A. Rezoning: Application by Paul Hyde, on behalf of Humboldt Investors, LLC, for rezoning of a portion of the property from I2 to I1 for the property located at 2601 49th Avenue North.

Action: The City Planning Commission recommended that the City Council adopt the findings and <u>approve</u> the rezoning of a portion of the property located at 2601 49th Avenue North from I2 to I1.

B. Conditional Use Permit: Application by Paul Hyde, on behalf of Humboldt Investors, LLC, for a conditional use permit to increase the size of the warehousing use from 30,000 square feet to 128,800 square feet for the property located at 2601 49th Avenue North.

Action: The City Planning Commission adopted the findings and <u>approved</u> the conditional use permit application to increase the size of the warehousing use from 30,000 square feet to 128,800 square feet located at 2601 49th Avenue North.

C. Site Plan Review: Application by Paul Hyde, on behalf of Humboldt Investors, LLC, for a site plan review for the property located at 2601 49th Avenue North.

Action: The City Planning Commission adopted the findings and <u>approved</u> the site plan review for an industrial office/warehouse located at 2601 49th Avenue North subject to the following conditions:

1. The applicant shall work with staff and the Public Works Department on an approvable storm water management plan.

- 2. There shall be at least ten different species of wetland plants planted around the perimeter of the stormwater pond.
- 3. The applicant shall work with staff on improving the architectural detailing along the 49th Avenue North side of the building.
- 4. The north curb line of the parking area, in between the building and 49th Avenue North, shall be surmountable and shall allow for stormwater to drain into the green space adjacent to it. The site shall be graded in such a way to allow for this drainage.
- 5. As an alternative compliance measure, enhanced landscaping and screening shall be provided between the front property line and the parking spaces.
- 6. Thirty percent of the windows shall allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views as required per section 530.120.
- 7. A sidewalk shall be constructed along the entire length of the building in order to connect those parking spaces that are located immediately in front of the building to the entrances and that there be at least one walkway which connects a principal entrance to the public street.
- 8. Crosswalks shall be highlighted through the parking areas on the sides of the building that clearly delineate a path to the front of the building.
- 9. Additional plant materials shall be incorporated into the landscaping plan in order to be in compliance with the minimum tree and shrub requirement.
- 10. All parking spaces shall be located within 50 feet of an on-site deciduous tree as required per section 530.170.
- 11. The applicant shall install a decorative four-foot high fence along the front property line and along the corner side property line for the entire length of the parking area.
- 12. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development Planning Division.
- 13. All site improvements shall be completed by March 31, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
- **D. Preliminary Plat:** Application by Paul Hyde, on behalf of Humboldt Investors, LLC, for a preliminary plat for the property located at 2601 49th Avenue North.

Action: The City Planning Commission adopted the findings and <u>approved</u> the preliminary plat application for the property located at 2601 49th Avenue North subject to the following conditions:

Not Approved by the Commission

1. The applicant shall include five-foot utility easements along the side property lines and a ten-foot utility easement along the rear property line on the final plat.

2. Outlot A shall be designated as a Lot on the final plat.

Staff Hilary Dvorak presented the staff report.

Commissioner Tucker: Do you have a suggestion as to which third should move

forward?

Staff Dvorak: We don't have a suggestion as to which third should move forward, we

would leave that up to the applicant to choose.

President Martin: Probably not the middle.

Commissioner Tucker: Probably the ends given your argument.

Commissioner Schiff: We don't have a site plan that shows that, we have the site plan they submitted. Can we approve a site plan without knowing what one-third would be at the street?

Staff Dvorak: I think staff would be capable of making sure that one-third of the building is up to the property line or within eight feet of it and then complying with the other requirements as set forth in the staff report. I believe you could approve a site plan this evening if that is the decision you choose to make.

Staff Dvorak continued with the staff report.

Commissioner Tucker: Do you have better drawings of the façade; it's a little hard to tell here if it's articulated or anything like that.

Staff Dvorak: This is what you have. You can see here, here are the entryways. The areas in-between here on the upper two levels is where you don't have any building articulation that differs.

Commissioner Tucker: Are these panels articulated in-between?

Staff Dvorak: They are concrete pre-cast panels, they are the smooth ones. They will have seams, yes, but we have not interpreted seams to mean a change of material.

Commissioner Tucker: Have you discussed with the applicant any things that might articulate it besides windows?

Staff Dvorak: I have not.

President Martin: We could.

Staff Dvorak continued and concluded the staff report.

Commissioner Krause: Hilary can you clarify a comment that was in one of the emails we received in our packet about the rerouting of the bus route? The email seemed to suggest that the bus would be rerouted?

Staff Dvorak: An email from me?

Commissioner Krause: No, from a citizen. There are currently bus stops all along that street.

Staff Dvorak: There is no change to the bus stops proposed as part of this development.

President Martin: It's noted as a possible rerouting, not an actual rerouting.

Staff Dvorak: The January 26th email states that the person does not want the buses rerouted and it's not part of the proposal.

Staff Dvorak: One last thing I'd like to mention is that the Travel Demand Management Plan (TDM) was submitted to Public Works and myself last week, on the 13th. Public Works did send an email back to the applicant on the 17th with 14 recommended changes to the TDM, some of them were very minor, but one that I would point out that

would have an impact on the site plan, which was discussed at our meeting about the TDM initially was that Public Works has recommended that the western access point to the site be moved so it's at least 300 feet from Osseo Road and that's for truck queuing so you don't stop pedestrian vehicles from the streets coming in and trying to get out of Osseo Road.

Commissioner Tucker: Doesn't that change their site plan entirely because their trucks can't make their turn around?

Staff Dvorak: It may. Initially, we had discussed closing this curb cut in our TDM meeting and keeping one in the middle that was there, which you can see isn't there anymore, to really encourage trucks to go to Osseo Road. That was a change that came from the applicant after the fact. Public Works isn't comfortable with this and that's a condition of the required TDM we won't do unless it meets Public Works requirement.

President Martin: So in essence what we've got is a site plan that may have two fairly major changes?

Staff Dvorak: Maybe the applicant can respond to the requirements from Public Works as well as the other changes.

Commissioner Tucker: Do you know how many truck docks there are?

Commissioner Krause: I counted over 20.

Staff Dvorak: I'll let the applicant respond to that.

Commissioner Motzenbecker: Could you maybe clarify the TDM? It seems a little odd that they would classify their trips on size and not on use. You could have a really busy use in one node and a really quiet one in another.

Staff Dvorak: The information in the TDM was compiled from different sources and I'd like the applicant to respond to you. I apologize I didn't get a copy of the TDM in the

staff report for you this evening. Public Works is comfortable with the numbers that they are giving us for that.

Commissioner El-Hindi: You had mentioned that the parking requirement is less than what the applicant is proposing, could you please provide numbers for that?

Staff Dvorak: The parking requirement is 117 spaces and they have 243; it's about a 2.09 ratio.

President Martin opened the public hearing.

Not Approved by the Commission

Mac Hyde (Real Estate Recycling, 90 S. 7th St. [not on sign-in sheet]): I am here with my partner Paul Hyde. Paul has been very heavily involved in the details of the development and would be in a position to answer the questions about parking and perhaps the location of the westerly entrance point. If I may, my reason for being here is to talk about the unique environmental issue that is created by the condition that would require a third of the building to be moved up the street. That's a major problem and I would like to spend a few minutes explaining why from an environmental point of view.

Paul Hyde (Real Estate Recycling, 1000 Tyrol Trail, Golden Valley [not on sign-in sheet]): I'd like to speak to some of the TDM items we are working on. We haven't submitted anything, we got the comments late last week and we hope to have a submittal back to staff at the end of this week or early next week. What is determining the number of truck trips and parking requirements is the percentage of office finish that we project which is 20 percent. We have built these buildings for over 10 years and most recently completed the Caribou Coffee headquarters in a very similar building. We anticipate creating the same sort of project here. Based on our experience and type of tenants we are talking to and negotiating with, the amount of truck traffic in our TDM is high, but it's conservative and the amount of parking spaces we're showing based on that 20 percent finish is accurate.

Commissioner Krause: You said your estimate of truck trips you believe is high?

Paul Hyde: The estimate prepared by our consultant was 18 trips per day. We think based on our experience and surveying tenants we have in our other buildings and several states as well as the people we are talking to that it's more like 12 to 14 trips per day, but the consultant went with their conservative estimate, which was fine.

Commissioner Krause: I counted 22 loading docks and essentially 18 one way or 9 round trips by trucks with 22 loading docks which just doesn't seem to make sense to me. I haven't seen the TDM so I don't know what they base that on.

Paul Hyde: What the consultant said is 18 round trips. The reason we build the building with as many dock doors as we can fit in is it anticipates all the needs of potential tenants both today and in the future. What we're trying to do is build a multi-tenant industrial building that will serve the area for years to come and not just specific tenants that we may have today.

Commissioner Krause: Hilary, with 20 percent office fit up, that's about 26,000 square feet... what would our parking requirements be if we had 26,000 square feet of office space?

Staff Dvorak: [tape unclear]

Commissioner Krause: So subtract out 4000...that's if it's all one use, right? So it could be several uses so you might subtract out maybe even 8000 and divide 300 into that?

President Martin: It would still be a lot.

Mac Hyde: Let me just address the environmental conditions and why it presents a particular problem for us moving a portion of the building up to the street. Our business is exclusively to buy and redevelop environmentally contaminated sites, that's all we do. We've done that for the last 11 years here in the Twin Cities, Milwaukee and Chicago. This will be our second industrial building in the city of Minneapolis. This particular site has an environmental history that fits into this pattern of creating significant environmental issues for a developer. I gave you an aerial photograph from 1945 that

show this portion of the site as it relates to the Canadian Pacific, then Soo Line, railroad switching yard. You can begin to see a little bit on this that the central portion of the site was used for storage, for a quite a number years, of Minneapolis street sweepings. The second photograph was taken in 1958 and shows the same site condition. The central part of the site was filled with street sweepings. When you're out there you can see this mounded area that creates a particular problem. With street sweeping potentially comes some contaminants that are a significant issue. The other thing that happened historically to affect this site in 1979 was a major fire at the chemical company across Osseo Road to the west. Unfortunately, fire fighting techniques and practices at that time were to use traditional methods of water to suppress the fire and the water, in this case, simply entrained or caused the dissolving of chemical pesticides and the actual transport of solid entrained pesticides down to Ryan Creek. Ryan Creek, at that time, passed into this Humboldt site we're talking about and dipped north into the center of the site, kind of the center of where the building would be and then passed north and east out the northeast corner of the site. The contaminants, with the fire suppression water, followed the course of Ryan Creek and left behind significant contamination with pesticides and soils and ground water. There was a remediation program that was initiated by the MN Department of Health and they removed a good deal of soil, they initiated a ground water extraction program on this site and removed a good deal of that material, but of course a certain amount of it was left and when dealing with redevelopment in the environmental field, very small amounts ring the wrong bell when you're preparing a site for use for industrial commercial type uses. The next overlay shows the results of the very extensive soil investigation that we did last fall and winter and it shows the various contaminants that were found. The contaminants; some pesticides, Metribuzin is shown, but a vast number of polyaromatic hydrocarbons (PAHs) some of which are known to be carcinogenic and there are some very distinct health standards which require cleanup and management of those materials. You can see in bold in this overlay those areas where our investigation showed they had soil contaminants in excess of the soil residual value and the soil leeching value that means that we must manage those under an environmental Response Action Plan approved by the Pollution Control Agency and where there are petroleum compounds approved by the Minnesota Pollution Control Agency petroleum cleanup agency. That presented the problem that we had to address. We developed a plan for the site, and by the way, all

the way along here for the last year and a half we've been working very closely with the excellent and very attentive and concerned neighborhood, Shingle Creek Neighborhood Group. The president of that group, Jeff Strand, is here. A board member of that group, Lynn Hauger, is here. I'm sure, if you wish, they can answer questions about this project, which has been reviewed and approved by the neighborhood agency. The problem that we faced was how to manage the contaminated soils. We have about 15,000 yards, plus or minus a few yards, of contaminated soil to manage. The way we have proposed managing it, the way it is required to be managed in the plan that is approved now by the Pollution Control Agency is to place that soil under an engineered cap; an impervious cap, consisting of asphalt, park and drive surface, Class V Engineered Fill. The thickness of that impervious layer varies depending on whether it is for the parking or for the heavy truck traffic. The issue that we are facing is illustrated by the next two overlays. The first one shows you a cross section. In order for us to place 15,000 yards of contaminated soil under this engineered cap, which is approved by the Pollution Control Agency, we have to place it in the parking area along the north side of the building between the street and the building and in the parking areas between the building and the west boundary on the north end of the site and the building on east boundary on the east end of the site. Why is that? It's because of a number of factors and they all are a part of this solution and the location of the building is essential to it. First of all, we have to have the engineered cap, that's the approved remedy. We cannot place contaminated soils either contaminated with the polyaromatic hydrocarbons, which are hazardous substances, or with the petroleum compounds (DRO) because of pollution control agency standards and cleanup requirements. They cannot go under the building, they must go under a cap and we have designed this cap for that purpose. Then we have several other restrictions or limitations that apply in this particular situation. We have to place them two feet above the water table. They must be two to three feet under the surface cap. They can only be four feet thick and that's a geotechnical requirement required by the Braun Engineering Company for geotechnical purposes. When you have that water table situation with the site sloping from high to low towards the south end...when you get to the back of the site you have no room, which is the second of the overlays showing the cross section above the water table and below the cap, to place any of this material that needs to be managed and capped. Our solution, and the solution that is incorporated in our Response Action Plan approved by

the agency, is to manage these soils under a cap north of the building between the building and the street where we have room to put them and on the east and west end. We cannot place them behind the building or on the south side of the site because we have the storm water runoff pond there and we have no space above the water table and below the cap to place them there. We could excavate them and take them off site, however, we have run out of potential funding for environmental remediation at this site. We have obtained grant funding from the Minnesota Department of Employment and Economic Development (DEED), Met Council and from Hennepin County. The grant funding is funding this particular remedy. We tried to do a more aggressive or larger remedy last year and were unable to generate the kind of scoring for our request that secured any grant funding. This was the combination of remediation, economics, and of building location that solved all of those problems. Without the current building location and the resulting management of the contaminated soils that is related to it, we cannot do this project. We very much want to do the project and the neighborhood wants us to do the project. We think the other conditions that have been discussed are certainly things that we can work out very readily. We appreciate the cooperative approach that that staff has taken to the various issues here – the rezoning, the platting and the building size issue, that all make this project possible. In summary, the project has a unique environmental condition and constraints that require us to locate the building where it is if we want to do the project. It has some unique geotechnical constraints because of the peat under the building that has to be removed. We have unique economic constraints because of the funding needed to make the project possible. We have had neighborhood approval and very strong support. The only other thing that I want to bring to your attention is that there is some precedence for this kind of approach, a project that this currently completed and...

President Martin: 28th and Hiawatha.

Mac Hyde: Yes, you know about that.

President Martin: We know a lot about that.

Mac Hyde: I understood there were some environmental issues there and that played a role. Incase you didn't know that I thought I should mention it, but you know more about that than I do.

Commissioner Nordyke: In regards to the cleanup of the site, you're not actually removing [tape unclear] ...

Mac Hyde: Yes. The reason that makes sense from the Pollution Control Agency's point of view is that for quite a few years now they have viewed site remediation as a question of managing a risk. The risk they are managing here is a risk of exposure to contaminated soils and the risk that contaminated soils might have surface water or snow melt percolating through them and taking contaminants down into the ground water. Their answer to that is to put on a good cap, maintain that cap, keep it above the water table and limit access to that and don't put them under buildings because contaminants like that can vaporize. Those are the things we have done in other places and are doing here.

Commissioner Nordyke: Great, thank you.

Commissioner Schiff: Thank you for bringing up Hiawatha and 28th, if you didn't I was going to. I was having deja vu in hearing your presentation. I am looking at the minutes from the Minneapolis One Stop. I don't see anything in writing about this data that you just presented to us. Did you bring it forward when you were meeting with staff about the site plan process?

Paul Hyde: We found out when we received the staff report that staff was not going to allow us to have the building sited as we had presented. When we saw that is when we put together our response for the environmental rationale.

Commissioner Schiff: Ok. Can you explain, though, the rationale behind the design beforehand?

Paul Hyde: We explained the rationale to staff and staff said we need to submit this

letter and go in front of the Planning Commission.

Commissioner Schiff: Ok. I have a question for staff. We've seen this before. How

does staff weigh this data if it is presented in time because it's the one thing I...

Paul Hyde: I also know that we submitted a letter as well with this data.

Commissioner Schiff: Ok, I'll look for that. The one thing I can think of that trumps our

site plan goals is environmental concerns, particularly when it's part of a clean up

remediation grant through the State of Minnesota.

Staff Dvorak: I don't want to get into a "he said/she said", but environmental issues in

this detail were never explained. Staff had indicated to the applicant at a meeting back

in January about our TDM that our recommendation would be that a portion of their

building... that we would most likely recommended that a portion of their building be

within 8 feet of the front property line. The response at that time in a hallway meeting

was "well we have environmental issues on the site" and that was all that was ever said

about it. I haven't even seen any of the information that is sitting at the end and I do

want to collect that before I leave for our public record. This amount of detail was never

explained to us.

Commissioner Schiff: Got it, thank you.

Commissioner Tucker: As I understand it, your cap has to be north of the south line of

your building, is that correct? And not under the building?

Mac Hyde: We cannot place contaminated soils under the building.

Commissioner Tucker: Right, but you can cap any part of the site that is north of the

south edge of the building as you proposed it.

Mac Hyde: Yes.

13

Commissioner Tucker: So this isn't the only configuration for this building that would allow you enough capping area and building area, you might jog it one way or move it left or right and still have enough capping area if I understand your presentation.

Mac Hyde: My best understanding and best judgment after spending a half a day with our engineers and some more time on my own is that we have 15,000 yards of contaminated soil to manage and the geometrics of the site allow us to manage it in the orange indicated area on the overlay that I passed around. We don't have a lot of room moving that orange indicated area, which is the area between the north face of the building and the street and then the edge of the building and to the east and west extremity.

Commissioner Tucker: If I understand correctly, what's important is the area of your orange area, not its actual shape as long as it's north of that line.

Mac Hyde: Yes and no. The area is important, but what's more important is the depth. The depth is driven by two things. It's driven by the elevation of the ground water at 846 and the thickness of the cap which is two to three feet. Where the ground water is closer to the surface you have little or no depth in which to store contaminated soils.

Commissioner Tucker: So is that where the building has been placed?

Mac Hyde: The building... as you move south on the site you lose depth. The greatest depth is in the parking areas that we have shown as the soil management...

Commissioner Tucker: So you want to maximize the area between the building and the street.

Mac Hyde: We want to maximize those two dimensions, the area and the depth.

Commissioner Motzenbecker: The whole idea of recycling these sites I think is fantastic, I applaud you for that. I would like to hear a little bit more about this east parcel, is that a

piece of your site? I show it cut off, but on some of the maps we have shows it as included. Is it part of the site or is just a piece you own that you can't touch or... the little tree area... with that site incorporated, or not, can you talk a little bit about what your ideas are for the stormwater remediation for this site? You're obviously increasing the impervious surface by 80 percent on this site. If you're asking for a lot of alternative compliances from us I'd like to hear a little more about what you're giving back as far as dealing with this pollution control.

Paul Hyde: It's an old site plan that you're looking at. The entire undeveloped site today is 15 acres. We're buying and developing 10. The residual parcel to the east is five acres that will continue to be owned by the railroad.

Commissioner Motzenbecker: Ok.

Paul Hyde: That's what you're seeing on that old plan. For stormwater, we are developing a two and a half acre stormwater pond to the south of the building that will collect all the stormwater from the site. That was a bit of a delicate balance of civil engineering in order not to have to mess with Ryan Creek which lies directly south of the stormwater pond. We had to go through a great deal of engineering to get the pond size right to handle the runoff from our site and not disturb the open Ryan Creek which lies just south of our stormwater pond in our project.

Commissioner Motzenbecker: Is that a wet pond or dry pond? Is it planted? Is it grassed? Can you give a little more information there?

Paul Hyde: Yes, yes and no. It's a wet pond. It will be landscaped and grassed. We're exploring the different landscape options. We've got comments back from the City and their PDR process as to how they'd like to see the sides of that pond slope landscaped and we're incorporating those into our plan.

Commissioner Motzenbecker: And those were?

Paul Hyde: I can't remember the specific Mn/Dot spec for the type of seeding and wildflowers on the pond slopes, but that's what we're going to do.

Commissioner Krause: I'm looking the map that's labeled "Planning Commission Submittal" and I'm just wondering about this railroad access road. I know that the railroad needs to get access to the southern part of this site, they have some offices there. This shows it coming out right at the corner of 49th and Osseo Road. Is that a correct alignment? I think in some of the photos you showed us of the earlier site configuration, the access road was in fact east of Washburn. Would that be a Public Works concern if we're bringing out an access road right at the intersection?

Paul Hyde: Our western entry will also serve as the access road for the Soo Line/CP Rail yard office.

Commissioner Krause: So this is inaccurate?

Paul Hyde: That plan you're seeing is an old plan, it's not accurate. The same western entry that we're showing on our site plan for the building will be available for the Soo Line/CP Rail to use to access their rail yard office.

Commissioner Krause: So there will be an easement agreement?

Paul Hyde: There will be an easement, exactly. A driveway easement.

Commissioner Tucker: You talked mostly about condition one suggested by staff under the site plan review, how do you feel about the other items 2 through 10?

Paul Hyde: Those are acceptable to us.

President Martin: Anyone else wish to speak to item number six?

Jeffrey Strand (5100 Thomas Ave. N.): I am the chair of the Shingle Creek Neighborhood Association board. I wish to reiterate that the Shingle Creek

Neighborhood Associate Phase II NRP Action Plan, approved in 2005, speaks to Economic Development and Capital Infrastructure in Section E and the Real Estate Recycling firm was named as a potential partner in the process. The SCNA has approved the concept development plan. Many residents see this as a hallmark development for the Humboldt Industrial Park. We'd very much like to see the \$9.5 million development go through. As you may know, CP Rail prohibited residential development. I'm definitely in a minority, but I could envision some condos overlooking downtown if there had been an industrial living overlay, but the railroad prohibited that residential development on its land. The Pollution Remediation RAP requirements have already been mentioned by the RER partners. It's important to note the pollution grants have been awarded by the Minnesota Department of Employment and Economic Development (DEED), Met Council and Hennepin County Environmental Response Fund. We don't want to lose those grants for this development. We look forward to the creation of 190 jobs at this facility and the 125 square feet of office development. In conclusion, I'd like to remark that this project was clearly identified in the Humboldt Industrial Park Community Planning Envisioning and Greening Process that involved the four neighborhoods that [tape unclear] Humboldt Rail Yards, as it is now called, and Humboldt Industrial Park as, the residents, envision this in the future. Not only did Shingle Creek residents, but also Victory, Lind-Bohanon, and Webber-Camden residents in the Camden Community all participated in that process that was led by Council President Johnson, our neighborhood associate and the City Planning Department. That report is in the 2007 CPED-Planning work plan that Ms. Sporlein indicated will be reviewed by CPED next year. I ask for your approval of the request that the developer's have proposed. It's very important to us that this hallmark facility be constructed. This is the vision of the future. As you know, there are facilities there that have been very problematic over the years such as Owens Corning Trumbull Asphalt and there are many other facilities that are set back from the street so I ask for your similar consideration as was given to the Hiawatha Business Center. Thank you.

President Martin: Others who wish to speak to item six?

Lynn Hauger (5147 Humboldt Ave. N.): I'm a member of the Shingle Creek Association board. I'd like to echo Mr. Strand's comments. I look forward to your support and want

to thank you for your consideration of this project. It's very important to our community. It offers certain less intensive use than our industrial neighbors to the east of this site. I had the opportunity to take a look at one of locations that Real Estate Recyclers recently complete at Highway 100 and France, which is the Caribou headquarters. It's very tastefully and very well done. I believe this particular structure will provide and enhance the Humboldt industrial site. Creating 190 jobs and getting this on the tax roles will be a great benefit to the community at large. Once again, thank you for your consideration. I look forward to your support, approving the plan as given.

President Martin: Others?

Council Member Johnson: My constituents have worked extremely hard on improving the Humboldt Industrial Area and this is definitely an improvement. We feel we have a great developer for this parcel and a pleasing development that will really set the tone for future development in Humboldt Industrial Park. I encourage your approval. Thank you.

President Martin: Anyone else?

President Martin closed the public hearing.

Commissioner Schiff: I move the approval of A, B, C, and D with conditions 2-10.

President Martin: Why don't we take C off for now so we can talk about that?

Commissioner Schiff: Ok.

President Martin: You want to approve A, B and D? Is there a second?

Commissioner Krause: Second.

[tape side one ended]

Commissioner LaShomb: [begin tape side two] ...at the time, I think when you've got these kinds of situations where you need to do remediation, you don't have a lot of choices so I support these because I think the remediation is really what calls the tune on how this site is laid out.

President Martin: All in favor of the motion to approve A, B and D?

Commissioner Schiff: On item C I will move approval with conditions 2-10, not including condition 1. I don't now anyone who is not happy with the Hiawatha and 28th project [tape unclear]...

President Martin: Is there a second?

Commissioner LaShomb seconded the motion.

Commissioner Motzenbecker: I would like the commission to consider a possible amendment to those conditions to really enhance the stormwater piece. As we have seen, the plantings are a bit under and the applicants are willing to bring those up to par. I would just ask that as a part of that, there really be some study put into this even beyond Mn/Dot standards. I applaud them, but in some senses they come short. I would ask that a little more care and planting plan specifics be looked at for that rain water garden because this is an immense amount of impervious surface that would be put on here in addition to the contamination that's on the site. If it's going to be truck traffic there's going to be a lot of surface contaminants that are going to be running off. With a creek at the back, I just think we should consider a little bit more aggressive dealing the treatment with the stormwater...

President Martin: Are you suggesting that as an additional condition?

Commissioner Motzenbecker: Yes.

Commissioner Schiff: I would just recommend we quantify it so that staff knows what to ask the applicant.

Commissioner Krause: I'm very familiar with this site. I'm glad that something is finally happening there and I can support this site plan with some reservations. I think one of the issues for me, I think in the future if there is a capped area over contaminated soils, I think we should require that it be shown on the site plan. It's clearly driving our site plan consideration and yet we don't know exactly where it is when we see the site plan and

maybe just a little more information would help us make a little bit better decision when we've got to do this kind of a tradeoff. The other issue is, I am still not clear if Public Works' review of the TDM... they stick with their suggestion that the other curb cut be east of Washburn... it appears to me that it will force a significant change in the building configuration and the site plan and whether we're approving something tonight only to have to perhaps come back and approve something different in the future if they stick to their guns on that issue. Would it be significant enough that staff would recommend they come through again with a revised site plan?

Staff Dvorak: For realigning the curb cut...

Commissioner Krause: If it was just a curb cut it probably wouldn't come back, but it looks like it would force some changes in the building footprint.

Staff Dvorak: If the building doesn't get bigger and it were to just simply shift to the east I don't think we would require that it come back to the Planning Commission.

Commissioner Krause: As long as it was within the setbacks.

Staff Dvorak: It can't get any further from the street. We don't want them to push the building any further from 49th obviously.

Commissioner Krause: If it moved over to the east, for example, it's still within the sideyard setback it would...

Staff Dvorak: Yes.

Commissioner Krause: That's really my only issue that is we're approving something only to have do it again.

Commissioner Tucker: I wanted to propose another condition to this motion that the applicant work with staff on the architectural articulation of this 700 foot façade. I thought of that as the photo that you sent around of 28th and Hiawatha had little slit

windows or comothing. Obviously there's much and

windows or something. Obviously there's much one can do to those upper stories and if you could work with staff and find something that will relieve that façade a little bit, I think that would be very helpful. From the drawings we saw, it's really hard to know if you have that already or not.

Commissioner Motzenbecker: In the front, along 49th Street, if it is possible to create surmountable curbs with breaks in the curb and some swales. There seems to be enough green space against the street to do some very slight rainwater swales there and the sight could be graded as such to send some of the front parking lot water off through the surmountable curbs into the swales that could be planted with wetland plant species, at least 10 different species. I would ask that the slopes of the pond be planted

Commissioner Schiff: I don't have anything that shows the drainage directions on here.

Staff Dvorak: Most of it drains south.

Commissioner Schiff: We've got enough room for swales up there on 49th?

in a same such manner with a wetland species, at least 10 different ones.

Staff Dvorak: There's 10 feet between the curb and the parking lot.

Commissioner Motzenbecker: They don't have to be big. We could space them evenly. Surmountable curbs on the inside where the parking lots are so... right by the trees.

Commissioner Schiff: The curbing, no problem. The swales, I just want to understand where...

Commissioner Motzenbecker: Underneath the trees.

President Martin: Beneath every tree?

Commissioner Motzenbecker: Along the trees. It's hard to tell on these how much space it is from the curb to the tree, but it looks like it's about half the distance...

President Martin: Commissioner Motzenbecker, your request is that we add a condition

to say that the applicant work with staff to enhance the storm drainage in ways that you

have suggested and possibly others, right?

Commissioner Motzenbecker: Yes.

Barbara Sporlein, Planning Director: There was a required stormwater management plan

so work with staff and the Public Works Department on an approvable stormwater

management plan so we don't run into an unapprovable stormwater management plan.

President Martin: Right, but keeping in mind Commissioner Motzenbecker's suggestion

on the enhanced level of stormwater [tape unclear]. Alright? All those in favor of that

motion signify by saying 'Aye'.

The motion carried 8 - 0.