



**Request for City Council Committee Action
From the Department of Community Planning & Economic Development**

Date: January 8, 2004

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Prepared by: Hilary Watson, Senior City Planner, (612) 673-2639

Approved by: Barbara Sporlein, Director, Planning

Subject: Appeal of the decision of the City Planning Commission by Dennis Werneke, with the Second Street Business Association

Previous Directives: At the December 8, 2003 City Planning Commission meeting, eight of the Planning Commission members were present. All eight Planning Commissioners voted to approve the Conditional Use Permit for a recycling facility.

Financial Impact: Not applicable

Community Impact:

Ward: 3

Neighborhood Notification: The applicant notified the Hawthorne Area Community Council by letter on November 6, 2003 informing them of the development project. The neighborhood organization voted to not support the development.

City Goals: See staff report

Comprehensive Plan: See staff report

Zoning Code: See staff report

Living Wage/Job Linkage: Not applicable

Other: Not applicable

Background/Supporting Information: Dennis Werneke, with the Second Street Business Association, has filed an appeal of the decision of the City Planning Commission. The appeal is associated with the decision of the City Planning Commission to approve the Conditional Use Permit for a recycling facility. The minutes from the December 8, 2003 City Planning Commission meeting are attached.

The appellant has stated that the decision is being appealed for three reasons. First, the appellant does not believe that a recycling facility is included in the "light industrial" category. Second, the appellant believes that the proposed building will adversely affect the property values of the neighboring buildings. And third, the appellant believes that it would be difficult for truck drivers who are exiting the site to see people who are walking on the sidewalk therefore creating

a safety situation. The appellant's complete statement of the action being appealed and reasons for the appeal are attached.

**Excerpt from the
Monday, December 8, 2003
CITY PLANNING COMMISSION
MINUTES
220 City Hall
Minneapolis, MN 55415
4:30 p.m.**

12. Commercial Container (BZZ-1423, Ward 3)

2209 2nd Street North (Hilary Watson) *This item was continued from the October 20, 2003, November 3, 2003 and November 17, 2003 meetings.*

A. Conditional Use Permit

Application by Commercial Container Corporation for a conditional use permit to allow a recycling facility at 2209 2nd Street North.

Motion: The City Planning Commission **approved** the conditional use permit to allow a recycling facility located at 2209 2nd Street North subject to the following conditions:

1. No outdoor storage, sorting or processing of materials shall occur.
2. No trucks involved in the operation of the business shall be parked or stored outside.

B. Variance

Application by Commercial Container Corporation for a variance to reduce the required number of off-street parking spaces from 14 to 7 at 2209 2nd Street North.

Motion: The City Planning Commission **returned** the variance to reduce the required number of off-street parking spaces from 14 to 7 for the property located at 2209 2nd Street North.

C. Variance

Application by Commercial Container Corporation for a variance to reduce the minimum required width of the drive aisle from 22 feet to 14 feet at 2209 2nd Street North.

Motion: Notwithstanding staff's recommendation, The City Planning Commission **denied** the variance to reduce the minimum required width of the drive aisle from 22 feet to 14 feet for the property located at 2209 2nd Street North based the following findings:

1. The amount of truck traffic in the area;
2. The amount of maneuvering space creates a challenge; and
3. The size of the trucks is prohibitive.

D. Site Plan Review

Application by Commercial Container Corporation for Site Plan review to allow a recycling facility located at 2209 2nd Street.

Motion: The City Planning Commission adopted the findings and **approved** the site plan review application to allow a recycling facility located at 2209 2nd Street North subject to the following conditions:

1. The building shall be constructed out of rock-face concrete block on all four sides and there shall be bands of complimentary colors in the middle and at the top of the building in order to break up the massing on all sides of the building.
2. The applicant shall work with the Community Planning and Economic Development Department – Planning Division when picking colors for the exterior of the building.
3. The front façade of the building shall incorporate twenty percent windows (Alternative one).
4. A decorative awning shall be located over the pedestrian doors on both the front and back of the building.
5. The applicant shall construct a public sidewalk along the entire width of the property in accordance with the City of Minneapolis sidewalk standards.
6. The applicant shall work with the right-of-way department and the Minneapolis Park Board to determine the feasibility of planting trees along 2nd Street North. If trees can be planted in the right-of-way then they shall be planted.
7. No shrubs shall be planted at the front of the site on either the north or south sides of the building.
8. Landscaped planters or ivy shall be located on each side of the pedestrian door along the sidewalk. The planters shall be landscaped with annuals or on a seasonal basis.
9. A weed barrier shall be installed beneath the gravel on the north and south sides of the building in order to minimize the amount of weeding that needs to be done.
10. A gated six-foot high decorative fence shall be installed between the proposed building (front and back corners) and the adjacent properties in order to keep people from going in between the subject site and the adjacent properties.
11. The Community Planning and Economic Development Department – Planning Division shall approve the final site, elevation and landscaping plans.
12. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.

13. All site improvements shall be completed by December 8, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
14. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Staff Hilary Watson presented the staff report to the Planning Commission.

Commissioner G. Johnson: I was looking at item 10 and was wondering if instead of a 6-foot high fence, could a gate be used? I don't know how that area would be otherwise accessed to clean out trash that would be blowing.

Commissioner MacKenzie: Has there been any consideration of vines to soften the hardscape on the east or west elevations, and you have planters outside the entranceways?

Staff Watson: The building would need to be set back a foot or so in order to provide room.

Commissioner Young: I would like to support that. I believe this is behind Mr. Baylor's new townhouses, so I would like to support a softer look with the vines.

Staff Watson: There is a block of development, then the railroad, then Tim Baylor's development.

Commission President Martin: Commissioners, I would suggest that when we get to the site plan it makes sense to substitute some vines for landscape planters.

President Martin opened the public hearing.

Roger Dorff (2115 North 2nd Street): Spoke against the application. Mr. Dorff addressed the parking in the area. He also addressed TUBS, Inc. and the company's outdoor storage of containers (he showed pictures to the Commission) and Lloyd's Demolition which uses the street for storage of their containers.

Charles Thompson (2306 Washington Avenue North): Spoke against the application. He spoke of the entrance on 23rd Avenue and parking in the area. Mr. Thompson stated a concern that the alley might not be large enough to accommodate the size of trucks used by the applicant.

Larry Rosen (Owner of North Second Street Steel at 2212 North 2nd Street): Mr. Rosen stated his business is directly across from the applicant's site and spoke against the application. He referenced the Hawthorne recommendation that the application be denied. He stated he had tape measured the opening off of North 2nd Street and stated he did not know how the trucks would enter the bend. He also noted nails and debris created by this type of industry.

Council Member Don Samuels: Stated that as a representative of the 3rd Ward, along with the neighborhood organization and the business people in the community, as both groups are in opposition to the project he endorsed their position. Council Member Samuels also stated that they are in the process of trying to reform the corridor along the river and that the Upper River Master Plan is hoping to change the area around the river from one of heavy industry to one of clean and light industry. He stated this site presents an opportunity to be a part of that.

Dennis Werneke (Owns North Minneapolis Business Center at 2201 North 2nd Street): Mr. Werneke gave a handout to the Commission and provided photos taken. He stated he had

received five letters in opposition to the project as well as a letter from the 2nd Street Business Association signed by six businesses and the Hawthorne Area Business Committee, all against support for Commercial Container's facility. Mr. Werneke spoke against the parking recommendations and storage of empty containers. He asked if fire safety had been considered. He also addressed safety issues related to trucks entering and exiting the site. He also questioned the possible environmental impact from the recyclable materials brought into the site. Mr. Werneke stated his building had brought in 10 businesses to the area and questioned the economic impact of bringing this business in next door.

George Habben (Owner of Midwest Industrial at 112 22nd Avenue North): Spoke about the areas combined stormwater and sewer drainage project that will be going into the area.

Daniel Brewer (architect representing Commercial Container): Stated they had withdrawn the variance request for parking and had provided 17 spaces. Regarding the question of water draining to the alley, he said this was in order that stormwater does not drain across the public sidewalk. He stated the turning radiuses were shown on the site plan from the alley as well as 2nd Street. The entrance to the rear of the building is set back from the alley quite a few feet in addition to the width of the alley itself, so combined there is enough space for the trucks. He also noted that the trucks are not semi-tractor sized, but tandems ranging in size from 30 to 40 feet. Mr. Brewer also noted that space is included inside the building for the trucks to maneuver as well.

President Martin closed the public hearing.

Commissioner LaShomb: Stated that it would be preferable if these type of facilities were all in the suburbs, but the problem being that is not the way the world works and if not here, it will be somewhere else. The problem is that if you are going to have debris from construction, you have to have a place to put the debris from construction prior to placement in a landfill. Presently, the area is an industrial area. Commissioner LaShomb asked staff to confirm the alley is wide enough.

Staff Watson: Stated the Transportation Department of Public Works had confirmed the alley wide enough.

Commissioner LaShomb: Stated that he thought the project is a reasonable use of the space for the business.

Commissioner Johnson moved staff recommendation for 12A (Krause seconded).

Commissioner Krause: I don't have any objection to this use in particular, and I am going to vote for the conditional use permit, but these buildings are not an asset to the City. So I have a lot of concerns about the variances and the site plan, and I am not likely to vote for those as they are currently laid out.

The motion passed 7-0.

President Martin noted that item 12B had been returned.

Commissioner Johnson moved approval of 12C (LaShomb seconded).

Commissioner Krause: Madame Chair, we have heard a lot of concerns expressed by the businesses in this area about the use of the alley and I have not seen the hardship in the staff report, so I am going to vote against the variance.

Commissioner LaShomb: If Public Works believes that 14 feet works I have to take their word for it. In previous meetings, I have not been excited about the use of alleys in other projects, but if Public Works thinks it is adequate, I have to take their word for it.

Commissioner MacKenzie: I want to support Commissioner Krause's statement that this alley and site are too small given the uses provided. In our subdivision regulations we require that new alleys in commercial and industrial areas be 20 feet wide, so even though our Transportation Department has given their approval, I have great concerns given the number of lots on both sides of the block base and the potential build-up for active uses on all those lots, so I will not be able to support this variance.

Staff Watson: We are actually reducing the width of the drive aisle, not the alley.

President Martin: The motion is to approve the variance. All those in favor, signify by saying aye.

The motion failed 3-4 (MacKenzie, Young, Krueger and Krause opposed).

Commissioner Krause moved approval of the site plan with the proposed changes of: On condition one, that the rock-face concrete block be used on all four sides of the building; on condition three, the building shall incorporate 20 percent windows on the front façade, otherwise known as alternative one; on item eight that landscape planters or ivy shall be located on the sides of the pedestrian entrances; and item ten that the applicant be allowed to use a gate to allow them access for trash removal (LaShomb seconded).

Commissioner Johnson: I agree with all the items except item one, however, directly across the street is a building almost completely covered in steel siding. And item three, I agree with 15 percent.

President Martin: The motion is to approve the site plan with the alteration of conditions 1, 3, 8 and 10 as described by Commissioner Krause.

The motion passed 5-2.

**Community Planning and Economic Development Department – Planning
Division**

Conditional Use Permit, 2 Variances and Major Site Plan Review
BZZ-1423

Date: December 8, 2003

Applicant: Commercial Container Corporation

Address of Property: 2209 2nd Street North

Contact Person and Phone: Daniel Brewer, architect, (612) 724-5557

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete:

End of 60-Day Decision Period:

End of 120-Day Decision Period: Not applicable

Ward: 3 Neighborhood Organization: **Hawthorne Area Community Council**

Existing Zoning: I2

Proposed Use: Recycling facility

Previous Actions: None that are relevant to this application.

Concurrent Review:

Conditional Use Permit: to allow a recycling facility

Variance: to reduce the required number of off-street parking spaces from 14 to 7

Variance: to reduce the minimum required width of the drive aisle from 22 feet to 14 feet (this was noticed as 0)

Major Site Plan Review

Background: The applicant is proposing to construct a recycling facility for purposes of recycling construction debris at the property located at 2209 2nd Street North. Commercial Containers removes iron, tin, aluminum, copper, wood, concrete and cardboard from construction debris. This recycling facility does not accept garbage, liquids or hazardous materials such as asbestos, paint, oils or flammables. The applicant has indicated that there are approximately 25 to 30 truckloads of construction debris brought to the site on a daily basis. The trucks will enter the building from the alley, dump the materials and then exit onto 2nd Street North. Once the recyclable materials have been extracted from the debris the remains are compacted and taken to a landfill. The applicant approximates that between 30 and 40 percent of the materials that are brought in are recycled.

Neighborhood Review: The applicant notified the Hawthorne Area Community Council by letter on November 6, 2003 informing them of the development project. Staff has not received a response from the neighborhood organization.

Attachments:

1. Letter of support from the property owner
2. Description of the project
3. November 6, 2003 letter to CM Don Samuels and the Hawthorne Area Community Council
4. Letters from adjacent property owners
5. Letter from the applicant in response to the letters from the adjacent property owners
6. Zoning map
7. Site, elevation and floor plans
8. Photographs of the site and surrounding area

CONDITIONAL USE PERMIT to allow a recycling facility

Findings as Required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use – Planned Unit Development:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, morals, comfort or general welfare.

The site and the surrounding area have been used for industrial purposes for many years. The recycling facility will be completely enclosed and will not accept any hazardous waste materials. The use will likely increase the number of truck trips in the area as the applicant has indicated that approximately 25 to 30 truckloads are brought to and from the site on a daily basis. However, since access is via major thoroughfares and truck traffic will be restricted to the hours of operation allowed in the I2 zoning district (6 am to 10 pm) the impact of additional traffic is unlikely to have a significant impact on existing levels of activity in the area.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The site and the surrounding area are zoned industrial and have been developed with a wide range of industrial uses. The truck and container storage area will be internal to the site. A completely enclosed recycling operation would be compatible with the other industrial uses in the area.

3. Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided.

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

4. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

The applicant has indicated that there are a total of six employees who work for Commercial Container Corporation. Of the six employees, three work in the building all day and the remaining three are coming to and from the site with truckloads of construction debris. The parking requirement for this use is 13 parking spaces. There will be a total of 13 spaces on the site; six in back of the building outside and seven inside of the building. As stated above, the use will likely increase the number of truck trips in the area but unlikely to the detriment of the area.

5. Is consistent with the applicable policies of the comprehensive plan.

According to the Land Use Policy Map, the area is designated as Light Industrial. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Establish industrial districts to provide locations for industrial land uses engaged in production, processing, assembly, manufacturing, packaging, wholesaling, warehousing or distribution of goods and materials.

The subject site is located in an existing industrially zoned area. The site is vacant and used for the outdoor storage of dumpsters and other debris. Constructing a new building on the site will contribute to the city's tax base and provide a more visually appealing street presence than what currently exists.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permits, variances, site plan review and vacation.

With the approval of the conditional use permit, the two variances and major site plan review the development will be in conformance with the requirements of the zoning code.

VARIANCE to reduce the required number of off-street parking spaces from 14 to 7

The revised site plan shows a total of 13 spaces on the site; six in back of the building and seven inside of the building. This variance can be returned to the applicant.

VARIANCE to reduce the minimum required width of the drive aisle from 22 feet to 14feet

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Drive aisle width: The applicant is seeking a variance to reduce the minimum required width of the drive aisle from 22 feet to 14 feet. The applicant has indicated that the site has been designed with the smallest sized building necessary for the operations of the recycling facility. The drive aisle that the applicant is proposing is adjacent to the public alley which is 16 feet in width. The applicant has indicated that although the drive aisle is not the full 22 feet in width that the alley would be utilized as part of the drive aisle similar to how residential properties do. Please note that there will be no large trucks parked along the alley; only the employee's vehicles.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Drive aisle width: The fact that this site is located in an industrial area and is adjacent to a 16-foot wide alley is a unique physical characteristic of this site.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Drive aisle width: Utilizing six feet of the alley for additional maneuvering purposes would not alter the essential character of the alley as there are properties along the alley that use it for access purposes.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Drive aisle width: Granting the variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed width of the drive aisle be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance**

and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **The placement of the building does reinforce the street wall and facilitates pedestrian access as it is located at the front property line along 2nd Street North. Because the building is located at the property line there is no landscaping along the front of the building. On the front of the building are the main pedestrian entrance and a large overhead door for trucks.**
- **The building that the applicant is proposing to build is a 12,500 square foot metal building. There would be a pedestrian door and an overhead door for trucks located on both the front and rear of the building. No architectural features have been incorporated into the design of the building to break up its massing. The area hosts a number of different building types and materials. The newer buildings that have been built in the area have typically been constructed out of rock-face concrete block. Staff is recommending that the front of the building that faces 2nd Street North be constructed out of rock-face concrete block and that on the front facade there be bands of complimentary colors in the middle and at the top of the building in order to break up the massing.**

- **This development does not maximize natural surveillance as the applicant is not proposing to have any windows located on the building. The applicant has submitted two alternative elevations of the front of the building. One of the alternatives shows 30 percent windows and the other alternative shows 15 percent windows. Staff is recommending that alternative compliance be granted to reduce the amount of windows required from 30 percent to 15 percent.**

ACCESS AND CIRCULATION

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **Currently, there is no public sidewalk in front of the building. There is one located in front of the property to the south but it stops at the interior side property line. The applicant is proposing to continue the public sidewalk along 2nd Street North for the width of the property. In addition, the applicant is going to connect the front pedestrian door to the public sidewalk with a walkway.**
- **The applicant is proposing to construct a curb cut along 2nd Street North for operational purposes. The trucks will enter the building from the alley, dump the materials and then exit onto 2nd Street North. The Public Works Transportation Department has reviewed this development plan in regard to vehicular access and circulation and is okay with the design.**
- **According to the applicant snow will be stored along the sides of the parking area in back of the building.**

LANDSCAPING AND SCREENING

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a

permitted or conditional residential use shall comply with section 530.160 (c).

- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **According to the applicant, once the project is complete approximately 33 percent of the site that is not occupied by a building will be landscaped. The tree requirement for the site is one tree and the shrub requirement for the site is five shrubs. The areas that are proposed to be landscaped are located on the north and south sides of the building. The applicant is proposing to install two trees in the boulevard along 2nd Street North and a total of seven shrubs on both the north and south sides of the property.**
- **According to the photos of the area there is no landscaped boulevard along 2nd Street North where trees could be planted. The applicant should work with the right-of-way department and the Minneapolis Park Board to determine the feasibility of planting trees along 2nd Street North.**
- **Along the north and south property lines the applicant is proposing to install three shrubs at the front of the property and four shrubs at the back of the property. In between the two planning areas the applicant is proposing to lay gravel down. Staff is recommending that there be no shrubs planted at the front of the site and instead have planters located along the sidewalk. In addition, the applicant shall install a weed barrier beneath the gravel in order to minimize the amount of weeding that needs to be done.**
- **The city's landscaping consultant has not reviewed the landscaping plan.**
- **The applicant is not proposing to install any fencing on the site. Staff is recommending that a six-foot high decorative fence be installed between the proposed building (front and back corners) and the adjacent properties in order to keep people from going in between the properties.**

ADDITIONAL STANDARDS

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.

- Site plans shall minimize the blocking of views of important elements of the city.
- Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- Buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260.
- Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **The lighting plan that was submitted meets the requirements of the zoning code.**
- **This development should not block views of important elements within the city.**
- **This development should not cast shadows on surrounding properties.**
- **This development should not contribute to the wind tunnel effect downtown.**
- **The Crime Prevention Specialist has reviewed the project in regard to crime prevention design elements and is okay with the proposal.**
- **This site is neither historic nor located in a historic district.**

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE

With the approval of the conditional use permit, the two variances and major site plan review the development will be in conformance with the requirements of the zoning code.

MINNEAPOLIS DOWNTOWN 2010

According to the Land Use Policy Map, the area is designated as Light Industrial. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Establish industrial districts to provide locations for industrial land uses engaged in production, processing, assembly, manufacturing, packaging, wholesaling, warehousing or distribution of goods and materials.

The subject site is located in an existing industrially zoned area. The site is vacant and used for the outdoor storage of dumpsters and other debris. Constructing a new building on the site will contribute to the city’s tax base and provide a more visually appealing street presence than what currently exists.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

The *Above the Falls Master Plan* was adopted by the Minneapolis City Council in June of 2000. The plan dedicates this area as a light industrial/ business park area. This development is in conformance with the *Above the Falls Master Plan*.

The former Minneapolis Community Development Agency, in conjunction with the North

Washington Steering Committee, developed design guidelines for the Northside Jobs Park. The design guidelines were approved by the Minneapolis City Council in March of 1997. Although this site is not located in the Northside Jobs Park there are several design guidelines that can be borrowed for this development given its close proximity to the Northside Jobs Park. Guidelines provided include:

- The main building entrance should be more pronounced than the manufacturing /production entrance.
- Provide an entry canopy.
- A cornice should be incorporated on portions of the building architecture.
- Architectural finishes may be comprised of one or more complimentary building materials. A building base of concrete block, brick masonry or precast concrete is preferred.
- Windows should provide texture and rhythm.
- Parking areas should be located to the back or side of the building.
- Signs should be located at or near the entrance and should not be internally lighted.

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.
- Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.
- The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.

COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- **The Community Planning and Economic Development Department – Planning Division believes that alternative compliance should be granted to allow there to be less than thirty percent windows on the front of the building facing 2nd Street North. Given the nature of the business and that the materials that are extracted from the construction debris are valuable staff believes that having fifteen percent windows located on the front of the building between six and ten feet is acceptable.**

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission **approve** the conditional use permit to

allow a recycling facility located at 2209 2nd Street North subject to the following conditions:

3. No outdoor storage, sorting or processing of materials shall occur.
4. No trucks involved in the operation of the business shall be parked or stored outside.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission return the variance to reduce the required number of off-street parking spaces from 14 to 7 for the property located at 2209 2nd Street North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the variance:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the findings above and approve the variance to reduce the minimum required width of the drive aisle from 22 feet to 14 feet for the property located at 2209 2nd Street North.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the site plan review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and approve the site plan review application to allow a recycling facility located at 2209 2nd Street North subject to the following conditions:

15. The front of the building that faces 2nd Street North shall be constructed out of rock-face concrete block and there shall be bands of complimentary colors in the middle and at the top of the building in order to break up the massing.
16. The applicant shall work with the Community Planning and Economic Development Department – Planning Division when picking colors for the exterior of the building.
17. The front façade of the building shall incorporate fifteen percent windows (Alternative two).
18. A decorative awning shall be located over the pedestrian doors on both the front and back of the building.
19. The applicant shall construct a public sidewalk along the entire width of the property in accordance with the City of Minneapolis sidewalk standards.

20. The applicant shall work with the right-of-way department and the Minneapolis Park Board to determine the feasibility of planting trees along 2nd Street North. If trees can be planted in the right-of-way then they shall be planted.
21. No shrubs shall be planted at the front of the site on either the north or south sides of the building.
22. Landscaped planters shall be located on each side of the pedestrian door along the sidewalk. The planters shall be landscaped with annuals or on a seasonal basis.
23. A weed barrier shall be installed beneath the gravel on the north and south sides of the building in order to minimize the amount of weeding that needs to be done.
24. A six-foot high decorative fence shall be installed between the proposed building (front and back corners) and the adjacent properties in order to keep people from going in between the subject site and the adjacent properties.
25. The Community Planning and Economic Development Department – Planning Division shall approve the final site, elevation and landscaping plans.
26. The applicant shall obtain an encroachment permit from the Public Works Department for any work done in the right-of-way.
27. All site improvements shall be completed by December 8, 2004, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
28. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.