Rezoning, Conditional Use Permit, Site Plan Review and Preliminary Plat BZZ-2788

Date: February 21, 2006

**Applicant:** Humboldt Investors, LLC

**Address of Property:** 2601 49<sup>th</sup> Avenue North

Project Name: Humboldt Industrial Park

Contact Person and Phone: Paul Hyde, (612) 904-1513, extension 10

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

**Date Application Deemed Complete:** January 6, 2006

End of 60-Day Decision Period: March 7, 2006

**End of 120-Day Decision Period:** Not applicable for this application

Ward: 4 Neighborhood Organization: Shingle Creek Neighborhood Association

Existing Zoning: 11, Light Industrial, I2, Medium Industrial and SH Shoreland Overlay District

Proposed Zoning: I1, Light Industrial and SH Shoreland Overlay District

**Zoning Plate Number:** 1

**Legal Description (properties to be rezoned):** Lot 6, AUDITOR'S SUBDIVISION NUMBER 208, Hennepin County, Minnesota. That part of Lot 7, lying west of the East 735 feet thereof, AUDITOR'S SUBDIVISION NUMBER 208, Hennepin County, Minnesota.

**Proposed Use:** Industrial office/warehouse building

**Concurrent Review:** 

**Rezoning:** of a portion of the property from I2 to I1

Conditional Use Permit: to increase the size of the warehousing use from 30,000 square feet to

128,800 square feet **Site Plan Review** 

**Preliminary Plat: -** PL-191

**Applicable zoning code provisions:** Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 530, Site Plan Review, Chapter 598, Land Subdivision Regulations

**Background:** Canadian Pacific Railway, the current owner of the 13-acre property located at 2601 49<sup>th</sup> Avenue North, is selling the applicant a ten-acre parcel of the land for industrial purposes. The applicant is proposing to construct a 128,800 square foot industrial office/warehouse building on the site.

The site currently has split zoning. The north portion of the site is zoned I1 and the south portion of the site is zoned I2. The location of the proposed building would be constructed over the district boundary line which complicates the development of the site as certain uses that are allowed in the I2 district are not allowed in the I1 district. For zoning purposes the entire site is proposed to be rezoned to the I1 district.

In the I1 district warehousing, distribution, furniture moving and storage uses are limited to a maximum of 30,000 square feet in size unless increased by a conditional use permit. The applicant has not yet secured tenants for the building and therefore does not know how much space the individual tenants will need. For leasing purposes the applicant is applying for a conditional use permit to increase the size of an individual space from 30,000 square feet to 128,800 square feet. The applicant has indicated in recent discussions that there will be more than one tenant in the building.

In addition to the above referenced land use applications a site plan review and a preliminary plat are also required for this development.

**Travel Demand Management Plan:** Non-residential development projects over 100,000 square feet are required to submit a Travel Demand Management Plan (TDMP) to the City for review. The applicants are in the process of writing the TDMP. It is anticipated that they will have a draft of the TDMP submitted to the City by the 13<sup>th</sup> of February.

**REZONING** - of a portion of the property from I2 to I1

#### Findings as Required by the Minneapolis Zoning Code:

# 1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is designated as transportation, communications in the comprehensive plan. This site has this land use designation simply because it is owned by the Canadian Pacific Railway. The current zoning of the property is a mixture of I1, Light Industrial and I2, Medium Industrial. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).
- Prioritize growth in light industrial land uses to increase the tax base and create jobs for city residents (Policy 9.26).

Rezoning the south portion of this site from the I2 District to the I1 District would be in conformance with the foregoing policies of *The Minneapolis Plan*. The types of uses that could be established in an I2 zoning district would be less compatible with the single-family residential neighborhood to the north than those uses that could be located in an I1 zoning district.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The industrial office/warehouse building that the applicant is proposing to construct would be allowed in both the I1 and I2 zoning districts. Rezoning the entire site to I1 instead of I2 would be more compatible with the surrounding uses to the north and would ensure that the more intensive industrial uses that would be allowed in the I2 zoning district are not established.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by C1 and R1 zoning to the north, I1 zoning to the east and I2 zoning to the south. The City of Brooklyn Center is located to the west of the site. Adjacent uses include a single-family residential neighborhood to the north, and industrial uses to the east and south. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the I1 zoning district would be compatible with the surrounding area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the I2 zoning district. The I2 zoning district is a medium industrial district. Permitted uses in the I2 district include, but are not limited to, the following:

- Light industrial uses
- Medium industrial uses
- Contractor yard
- Industrial machinery and equipment sales, service and rental
- Wholesaling, warehousing and distribution
- Offices
- Radio or television station
- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development.

 $\underline{\textbf{CONDITIONAL USE PERMIT}}$  - to increase the size of the warehousing use from 30,000 square feet to 128,800 square feet

#### Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – 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, comfort or general welfare.

The Planning Division does not believe that increasing the size of the warehousing use from 30,000 square feet to 128,800 square feet will be detrimental to or endanger the public health, safety, comfort or general welfare. The Planning Division would be concerned with this application if there was a direct correlation between the number of individual tenants in the building and the number of trucks coming and going from the site. However, according to the TDMP that was prepared for this development, the number of trucks coming and going from the site is based on the overall size of the building not the number of individual tenants within the building.

# 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 Planning Division does not believe that increasing the size of the warehousing use from 30,000 square feet to 128,800 square feet would be injurious to the use and enjoyment of other property in the area. From the outside the building will look the same regardless of how many tenants are located inside. In addition, approving this application provides the most flexibility to the applicant when seeking tenants for the building.

## 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 parking requirement for a wholesaling, warehousing and distribution use is one space per 300 square feet of gross floor area of office, sales, or display area in excess of 4,000 square feet

(minimum of 4 spaces) plus one space per 3,000 square feet of gross floor area of warehousing up to 30,000 square feet plus one space per 5,000 square feet gross floor area of warehousing over 30,000 square feet or for any outdoor storage, sales, or display. Given the size of the building the parking requirement for the business is 117 spaces. There are a total of 243 parking spaces being provided on the site.

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

The site is designated as transportation, communications in the comprehensive plan. This site has this land use designation simply because it is owned by the Canadian Pacific Railway. The current zoning of the property is a mixture of I1, Light Industrial and I2, Medium Industrial. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).
- Prioritize growth in light industrial land uses to increase the tax base and create jobs for city residents (Policy 9.26).
- Promote light industrial uses as the preferred use of industrial land, but discourage warehouse or distribution uses in areas where truck traffic will negatively impact residential neighborhoods.

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*. Although the TDMP estimates that 18 trucks will be coming and going from the site on a daily basis, 49<sup>th</sup> Avenue North is a designated truck route and is able to accommodate the increased truck traffic.

### 6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

- **550.230.** Warehousing and distribution; furniture moving and storage. (a) In general. Warehousing and distribution uses and furniture moving and storage uses in the I1 District shall be limited to thirty thousand (30,000) square feet of gross floor area.
- (b) Increasing gross floor area. The gross floor area limitation for warehousing and distribution uses and furniture moving and storage uses may be increased by conditional use permit, as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining gross floor area limitations:

#### (1) Proximity to residential uses.

There is a single-family residential neighborhood located across 49<sup>th</sup> Avenue North from the site. The Planning Division encourages the applicant to incorporate language into the tenant leases which would prohibit trucks from using the residential streets for access purposes and also describes the designated truck route.

(2) Screening and landscaping of truck parking and loading area.

The truck parking and loading area for the development is located on the south side of the building. The building itself screens this area from the single-family residential neighborhood to the north.

- (3) Location of truck routes and amount of truck traffic.
  - 49<sup>th</sup> Avenue North is a designated truck route in the City of Minneapolis. According to the TDMP that was prepared for the development an estimated 18 trucks are expected to come and go from the site on a daily basis.
- (c) Hazardous materials. Warehousing and distribution uses shall not include the storage of hazardous materials in excess of consumer commodities which are packaged for consumption by individuals for personal care or household use, except as provided in Chapter 535, Regulations of General Applicability, regarding the storage of Class I flammable liquids, flammable gases and flammable liquefied gases.

#### 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 and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

#### Section A: Conformance with Chapter 530 of Zoning Code

#### **BUILDING PLACEMENT AND FACADE:**

- 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. In the case of a corner lot, the principal entrance shall face the front lot line.
- 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 walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- 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 fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
  - Residential uses:
    - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
      - a. Windows shall be vertical in proportion.
      - b. Windows shall be distributed in a more or less even manner.

#### • Nonresidential uses:

- Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
  - a. Windows shall be vertical in proportion.
  - b. Windows shall be distributed in a more or less even manner.
  - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
  - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
  - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking

lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

#### PLANNING DEPARTMENT RESPONSE:

- The building does not reinforce the street wall, maximize natural surveillance or facilitate pedestrian access as the building is setback between 81 and 85 feet from the front property line along 49<sup>th</sup> Avenue North and between 44 and 164 feet from the corner side property line along Osseo Road. In between the building and both the front and corner side property lines the applicant is proposing to have landscaping and surface parking.
- The Planning Division recognizes that an industrial building which has a primary building wall over 700 feet in length may need some parking located in front of the building in order to accommodate those tenants located in the middle of the building; both for vehicular and pedestrian traffic. In addition, this site is unique in that there is not a well defined building wall along the south side of 49<sup>th</sup> Avenue North. The Planning Division is recommending that not less than one-third of the building be located within eight feet of the front property line as required by this chapter.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow two-thirds of the building to be setback between 81 and 85 feet from the front property line. Allowing the building to be setback as recommended allows for parking spaces within close proximity to those tenants located in the middle of the building. The Planning Division is recommending that enhanced landscaping and screening be provided between the front property line and the parking spaces. This could include a variety of plant materials, plant materials that provide visual interest year round, seasonal planting beds, etc.
- The Planning Division is also recommending that the Planning Commission grant alternative compliance to allow the building to be setback between 44 and 164 feet from the corner side property line. The west side of the property is uniquely shaped. Locating the building within eight feet of the corner side property line would require for an oddly shaped building and would not allow for truck circulation around the building.
- The principal entrance(s) into the building is located on the 49<sup>th</sup> Avenue North side of the building. In addition, all of the tenant spaces will have secondary access doors on the back side of the building.
- There are three areas on the site where parking is proposed; on both the sides of the building and between the building and the front property line. Again, the Planning Division recognizes that an industrial building over 700 feet in length may need some parking located in front of the building in order to accommodate those tenants located in the middle of the building. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow parking in front of two-thirds of the building. Allowing parking in front of a portion of the building will allow more efficient access to those tenants located in the middle of the building.

- The building is proposed to be constructed out of pre-cast concrete panels. The front and west side of the building are proposed to have a smooth finish whereas the east side and back of the building are proposed to have a "raked" finish. All sides of the development will be compatible with one another.
- All four sides of the building contain areas where there are blank, interrupted walls over 25 feet in length that are void of windows, entries, recesses or projections, or other architectural elements. Between the entryways along the front of the building the upper two "levels" of the building are blank. Except for the northern 32 feet of the building the upper two "levels" of the building are blank. Except for the northern 32 feet of the east side of the building all three "levels" of the building are blank. And the upper two "levels" of the back of the building are blank. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow these specific areas to be blank. Since the interior of the building will be used primarily for warehousing it would be impractical to have windows, entries, recesses or projections on all sides and levels of the building.
- At least 30 percent of the first floor of the building walls on 49<sup>th</sup> Avenue North and both the west and east sides of the building are required to be windows. However, less than 30 percent windows may be provided on those sides of the building that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway. The project complies with these requirements as follows:
  - 49<sup>th</sup> Avenue North: the percentage of windows on the first floor of the building is 45 percent.
  - West side: the percentage of windows on the first floor of the building is 23 percent. This side of the building faces an on-site parking lot that is located between the building and a public street. In this case the road, Osseo Road, is located between 44 and 164 feet. In addition, the road is located between 5 and 25 feet higher than the building. The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than the full 30 percent windows on this side of the building. The applicant would need to provide an additional 108 square feet of windows in order to meet the minimum requirement.
  - East side: the percentage of windows on the first floor of the building is 10 percent. This side of the building does face an on-site parking lot that is not located between the building and a public street, public sidewalk or public pathway.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views. The Planning Division is recommending that the applicant comply with this requirement.
- The roof line of the building is proposed to be flat, similar to roof lines of other industrial buildings in the area.

#### **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 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

#### PLANNING DEPARTMENT RESPONSE:

- None of the entrances that lead into the building are connected to the public sidewalk. The Planning Division is recommending that a sidewalk 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. In addition, the Planning Division is recommending that crosswalks be highlighted through the parking areas on the sides of the building that clearly delineate a path to the front of the building. As required by the site plan review standards, transit users and pedestrians must have a safe route to access the building.
- At the Preliminary Development Review the idea of incorporating a public sidewalk along 49<sup>th</sup> Avenue North was discussed. The City's ROW book does not indicate that an area for a public sidewalk was reserved. Within the nine feet of space between the curb and the property line the Park Board recently planted trees along the entire frontage of the property. Given this, it was determined that Public Works would not require a public sidewalk to be constructed.
- No transit shelters are proposed as part of this development.
- The applicant is proposing to have two curb cuts leading to and from the site. Given that there is no public sidewalk on this side of the block vehicular conflict with pedestrians should be minimal at those two access points.
- Approximately 69 percent of the site is covered by the building and the parking and\or truck loading area. Thirty-one percent of the site is pervious. The applicant is providing more parking on the site than what is required by the zoning code. To minimize the amount of impervious surfaces on the site the amount of parking could be reduced.

#### 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, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- 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.
- Except as otherwise provided, 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 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.

- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 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 530.210.
- 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 530.80, as provided in section 530.220.

#### PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 438,284 square feet. The footprint of the building is 128,800 square feet. When you subtract the footprint from the lot size the resulting number is 309,484 square feet. Twenty percent of this number is 61,897 square feet. The applicant has a total of 135,472 square feet, or 44 percent of the site is landscaped.
- The zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 134 and 619 respectfully. The applicant is providing a total of 49 canopy trees, 8 evergreen trees and 575 shrubs on the site. The Planning Division is recommending that additional plant materials be incorporated into the landscaping plan in order to be in compliance with the minimum requirements.
- The zoning code requires that a 9-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot with more than 100 parking spaces. There is a 10-foot deep landscaped area between the property line and the parking lot.
- Screening equal to 60 percent opacity is required around parking lots in order to screen them from a public street, sidewalk or pathway. The applicant is proposing to plant a shrub hedge along the north side of the parking lot in order to screen it from the adjacent single-family residential neighborhood. The Planning Division is recommending that enhanced landscaping and screening be provided between the front property line and the parking spaces. This could include a variety of plant materials, plant materials that provide visual interest year round, seasonal planting beds, etc.
- For each 25 linear feet along a public street, at least one tree needs to be provided. This requirement is being met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. The majority of the parking spaces on the east side of the building are located further than 50 feet from an on-site deciduous tree. The Planning Division is

recommending that this requirement be met. The tree islands located on the west side of the site measure seven feet in every direction.

#### **ADDITIONAL STANDARDS:**

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- 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.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, 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 related to:
  - Natural surveillance and visibility
  - Lighting levels
  - Territorial reinforcement and space delineation
  - Natural access control
- To the extent practical, 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.

#### **PLANNING DEPARTMENT RESPONSE:**

- The site will be graded so stormwater runoff runs into a stormwater pond that will be constructed on the south portion of the site.
- The photometric plan that was submitted as part of the application materials complies with the requirements of Chapter 535.
- This building should not block views of important elements in the city.
- This building should not case shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has reviewed the project in regard to crime prevention design elements. The Crime Prevention Specialist suggested that graffiti protection be applied to the building and that the applicant consider constructing a fence along the south property line for security purposes.
- 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 and Applicable Small Area Plans Adopted by the City Council

#### **ZONING CODE:**

- Use: Wholesaling, warehousing and distribution is a permitted use in the I1 zoning district.
- Off-Street Parking and Loading: The parking requirement for the development is 117 parking spaces. The applicant proposes to have a total of is 243 spaces on the site.
- Maximum Floor Area: The maximum FAR in the I1 zoning district is 2.7. The lot in question is 438,284 square feet in area. The applicant proposes a total of 128,800 square feet of gross floor area, an FAR of .29.
- **Building Height:** The height requirement in the I1 zoning district is four stories or 56 feet, whichever is less. The zoning code limits the height of a story to no more than 14 feet. The building is a one story building but is 32 feet in height. Technically this building would be classified as a three-story building.
- Minimum Lot Area: There is no minimum lot area for this use in the I1 zoning district.
- Yard Requirements: There are no setback requirements in the I1 zoning district.
- **Specific Development Standards:** The applicant has not identified uses that have specific development standards in Chapter 536 of the zoning code.
- **Hours of Operation:** The hours of operation for the I1 District are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. Please note that the zoning code regulates hours of operation that a business is open to the public. The applicant has indicated that the hours of operation for the proposed use will be 24 hours a day seven days a week. but not open to the public.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the I1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall.

Wall signs are limited to 180 square feet in size. Projecting signs are limited to 16 square feet in size and shall not project outward from the building by more than four feet. The maximum height for both wall signs and projecting signs is 24 feet. Wall signs are not permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one per 600 feet of primary frontage. Finally, if there is a freestanding sign on the site than there shall not be any projecting signs on the building.

The applicant is proposing to have one freestanding sign on the site located near the western most entrance into the site. The freestanding sign is seven feet two inches in height and is 75 square feet in size.

• **Refuse storage:** The individual tenants within the building will have their own refuse containers in their space.

#### **MINNEAPOLIS PLAN:**

The site is designated as transportation, communications in the comprehensive plan. This site has this land use designation simply because it is owned by the Canadian Pacific Railway. The current zoning of the property is a mixture of I1, Light Industrial and I2, Medium Industrial. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Promote design solutions for automobile parking facilities that reflect principles of traditional urban form (Policy 9.12).
- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas (Implementation Step for Policy 9.12).

As proposed, the Planning Division does not believe that the site plan is in conformance with the foregoing policies of *The Minneapolis Plan*. However, the Planning Division has made several recommendations on how to alter the site plan in order to being in closer into compliance with *The Minneapolis Plan*.

#### **ALTERNATIVE COMPLIANCE:**

- The Planning Commission or zoning administrator may approve alternatives to any 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, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, 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.

#### PLANNING DEPARTMENT RESPONSE:

• The Planning Division is recommending that the Planning Commission grant alternative

compliance to allow two-thirds of the building to be setback between 81 and 85 feet from the front property line. Allowing the building to be setback as recommended allows for parking spaces within close proximity to those tenants located in the middle of the building. In order to compensate for the greater setback the Planning Division is recommending that the applicant install a decorative four-foot high fence along the front property line.

- The Planning Division is also recommending that the Planning Commission grant alternative compliance to allow the building to be setback between 44 and 164 feet from the corner side property line. The west side of the property is uniquely shaped. Locating the building within eight feet of the corner side property line would require for an oddly shaped building and would not allow for truck circulation around the building. In order to compensate for the greater setback the Planning Division is recommending that the applicant install a decorative four-foot high fence along the corner side property line property line for the entire length of the parking area.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow parking in front of two-thirds of the building. Allowing parking in front of a portion of the building will allow more efficient access to those tenants located in the middle of the building. In order to compensate for having parking between the front property line and the building the Planning Division is recommending that enhanced landscaping and screening be provided between the front property line and the parking spaces.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow the upper two "levels" of the building between the entryways along the front of the building, the upper two "levels" of the west side of the building except for the northern 32 feet, all three "levels" of the east side of the building except for the northern 32 feet and the upper two "levels" of the back of the building to be blank. Since the interior of the building will be used primarily for warehousing it would be impractical to have windows, entries, recesses or projections on all sides and levels of the building.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to allow less than the full 30 percent windows on this west side of the building. The applicant would need to provide an additional 108 square feet of windows in order to meet the minimum requirement.

#### PRELIMINARY PLAT - PL-191

#### **Required Findings:**

1. The subdivision is in conformance with these land subdivision regulations, the applicable regulations of the Zoning Code and policies of the Comprehensive Plan.

#### **DESIGN REQUIREMENTS**

All three parcels created as part of the plat will have frontage on a public street.

The platting of the property will not result in more than one zoning classification on a single lot. The applicant has applied to rezone the entire property to I1.

No nonconforming structures or uses result from this application.

Utility easements along the side and rear lot lines have not been shown on the preliminary plat. The Planning Division is recommending that the applicant 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.

According to the applicant what is shown as Outlot A on the plat is intended to be used for an access road to the adjacent property. Technically a road is considered to be development therefore the Planning Division is recommending that Outlot A be designated as a Lot on the final plat.

#### NON-RESIDENTIAL DEVELOPMENT DESIGN

No blocks are being created as a result of this plat.

The three parcels of land being platted meet the minimum lot width and lot area as required by the zoning code.

#### **ZONING CODE**

With the approval of the rezoning, the conditional use permit, the site plan review and the preliminary plat this development will be in conformance with the applicable regulations of the zoning code.

#### THE MINNEAPOLIS PLAN

The site is designated as transportation, communications in the comprehensive plan. This site has this land use designation simply because it is owned by the Canadian Pacific Railway. The current zoning of the property is a mixture of I1, Light Industrial and I2, Medium Industrial. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).
- Prioritize growth in light industrial land uses to increase the tax base and create jobs for city residents (Policy 9.26).

With some alterations to the site plan the Planning Division believes that this development would be in conformance with the foregoing policies of *The Minneapolis Plan*.

2. The subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The Planning Division does not believe that the proposed development would be injurious to the use and enjoyment of other property in the area. Constructing a new industrial warehouse/office building on the site would convert a vacant property, provide additional employment opportunities and increase the tax values in the area.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is relatively flat. The Planning Division believes that the site can be developed upon and used safely.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration

The parcels created by this application present no foreseeable difficulties for this development. No significant alterations to the land appear necessary.

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The stormwater drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The Sewer Division of the Public Works Department will review and approve the drainage and sanitary system plans for this development prior to building permits being issued.

#### RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning of a portion of the property located at 2601 49<sup>th</sup> Avenue North from I2 to I1.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and <u>approve</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 49<sup>th</sup> Avenue North.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and <u>approve</u> the site plan review for an industrial office/warehouse located at 2601 49<sup>th</sup> Avenue North subject to the following conditions:

- 1. As an alternative compliance measure, not less than one-third of the building shall be located within eight feet of the front property line.
- 2. As an alternative compliance measure, enhanced landscaping and screening shall be provided between the front property line and the parking spaces.
- 3. 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.
- 4. 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.
- 5. 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.
- 6. Additional plant materials shall be incorporated into the landscaping plan in order to be in compliance with the minimum tree and shrub requirement.
- 7. All parking spaces shall be located within 50 feet of an on-site deciduous tree as required per section 530.170.
- 8. 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.
- 9. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development Planning Division.
- 10. 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.

# Recommendation of the Community Planning and Economic Development Department – Planning Division for the preliminary plat:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and <u>approve</u> the preliminary plat application for the property located at 2601 49<sup>th</sup> Avenue North subject to the following conditions:

- 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.

#### **Attachments:**

- 1. Letter from the property owner authorizing the application
- 2. Project description
- 3. Conditional use permit findings
- 4. Correspondence regarding the status of the remaining three acres of land on the east side of the property that will be owned by Canadian Pacific Railway
- 5. January 11, 1006, memo from Public Works regarding the preliminary plat
- 6. December 16, 2005, letter to CM Johnson and the Shingle Creek Neighborhood Association
- 7. written comments from surrounding property owners
- 8. Notes from the January 4, 2006, Preliminary Development Review meeting
- 9. Zoning map
- 10. Civil drawings, site plan, floor plans, elevations
- 11. Photographs of the site and the surrounding area