

Department of Community Planning and Economic Development - Planning Division
Site Plan Review
BZZ-4094

Date: July 7, 2008

Applicant: DMH I, LLC dba Kirschbaum & Krupp Metal Recycling, LLC

Address of Property: 1728 2nd Street North

Project Name: Kirschbaum & Krupp Metal Recycling, LLC

Contact Person and Phone: Bill Schoen – Schoen Associates 701-746-1439

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 10, 2008

End of 60 Day Decision Period: August 9, 2008

Ward: 5 Neighborhood Organization: Northside Residence Redevelopment Council (Near-North)

Existing Zoning: I2 Medium Industrial District and MR Mississippi River Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 13

Legal Description: Not applicable for this application.

Proposed/Existing Use: Scrap metal recycler.

Concurrent Review:

Site Plan Review: To remove and replace an approximately 9,184 square foot enclosed loading area and site modifications.

Applicable zoning code provisions: Chapter 530 Site Plan Review and Chapter 531 Nonconforming Uses and Structures.

Background: Kirschbaum & Krupp is a scrap metal recycler that is classified as a scrap/salvage yard under the zoning code. It has operated at this site since the 1940's. In 1989, the site was downzoned from M3-3 to M1-2 and it then became a legal nonconforming use. On January 8, 1996, the City Planning Commission granted an expansion of a nonconforming use to build a 40 foot by 50 foot storage shed (NCE-16). In 1999, the zoning of the site was changed from M1-2 Light Manufacturing to I2 Medium Industrial as a part of the general remapping of the City with the adoption of the 1999 zoning code. The site remained legally nonconforming.

CPED Planning Division Report

BZZ-4094

In 2001, Kirschbaum and Krupp applied for an expansion of a nonconforming use to legalize the change made to the building approved in 1996 (it was built 54 feet by 64 feet rather than the approved 40 feet by 50 feet) and to add another addition for a can densifier on the south side of the east wing of the building. It is not clear to staff if the can densifier was ever constructed.

DMH I, LLC purchased the Kirschbaum & Krupp Recycling facility at 1728 2nd Street North in 2006. The City Planning Commission approved an expansion of a nonconforming use and a site plan (BZZ-3368 & PW# 8000) in January of 2007, which allowed a new 17,000 square foot addition to move the majority of operations indoors and to prevent customer traffic spilling onto the public streets. Two sheds on the north side of the building were demolished for the addition. Other improvements included a new stormwater basin, paved parking, a new ten-foot high screen fence around the site (this required a variance), and improved landscaping. The site is in compliance with these approvals, with the exception of the landscaping. Due to the construction schedule and winter, the landscaping was not installed by the compliance deadline of February 5, 2008. The applicant would be allowed to request an extension for one year until February 5, 2009, and they have scheduled the landscaping work to be completed by July 7, 2008, so staff did not hold this application up for noncompliance. Staff is adding a condition that the landscaping work shall be completed by July 30, 2008, except where adjacent to the new construction.

A scrap yard requires the I3 General Industrial District to be a conforming use, but the site is zoned I2 Medium Industrial, so the 2007 proposal required an expansion of a nonconforming use as well as the other applications noted above. If all of the processing and storage were located indoors, then the use could be classified as a recycling facility, which is a conditional use in the I2 District. The applicant indicated that this was/is not possible; however, the majority of processing and storage was moved indoors.

The owners now propose to remove the enclosed loading area at the southwest corner of the site and replace it with an enclosed loading area of the same size. The existing and proposed loading area is 56 feet by 164 feet for a total approximate size of 9,184 square feet, but the net increase in the floor area and foot print will be zero. State law and the Minneapolis zoning code (see Section 531.40) allow a legally nonconforming use to be demolished and rebuilt and because this new construction that will be the same size as the structure being demolished, an expansion of a nonconforming use is not necessary for this work. Site plan review is still required, but it will apply mainly to the new addition, as the majority of the site plan will not change from the approved 2007 plan.

Some minor changes from the site plan approved by the City Planning Commission in 2007 have been approved by staff as minor changes. They include addition of windows and reveals on the north side rather than colored banding and raising the height of the windows on the east side of the addition. Also, staff approved the elimination of the required trees in the north lot retention basin, as they were prohibited by the Minnesota Pollution Control Agency (MPCA) in their review of the plan (much of the work on the north yard was done to comply with a MPCA clean-up plan).

As of the writing of this report, staff has not received any correspondence from the neighborhood group or the Above the Falls Citizen Advisory Committee (AFCAC), but will forward comments, if any, at the Planning Commission meeting.

CPED Planning Division Report
BZZ-4094

SITE PLAN REVIEW

Required Findings for Site Plan Review

- 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 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. 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

CPED Planning Division Report

BZZ-4094

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.
- f. 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 530.20 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.

The original building is located up to the property line on 2nd Street North and 17th Avenue North. The 2007 addition was completed on the northeast side of the building. The loading area reconstruction will be built within eight feet of the property line on 2nd Street North and 17th Avenue North in the same location as the existing loading area walls. There will be landscaping between the fence and the property line and between the building and the public sidewalk in the right-of-way, where allowed by Public Works through an encroachment permit. Currently a principal entrance faces 2nd Street North and this will not change.

The 2007 addition was granted alternative compliance for the east side facade where there were blank uninterrupted walls greater than 25 feet in the portion that would be considered a first story (14 feet and under) as this part of the wall is behind the screen fence and is not visible. The loading area reconstruction meets the blank wall prohibition on the south side facing 17th Avenue North, but the west side facing 2nd Street North has portions that are 25½ long and therefore do not meet the prohibition on blank walls. Staff does not recommend alternative compliance and recommends that additional architectural detail be provided such as recesses and projections similar to the façade of the original building elevation.

The existing windows on the original building will not be reduced from the current configuration and in 2007 some on the first floor were changed from glass block to clear pane glass windows. The east side façade of the addition is not required to provide windows, but some were added in the 2007 expansion. Industrial buildings may provide less than 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.

CPED Planning Division Report

BZZ-4094

The loading area reconstruction does not meet the 30 percent window requirement on the first floor or the 10 percent window requirement on the second floor. Glass block does not count toward the window percentage as it does not allow views into and out of the building. If the glass block were counted, then the south side would have 11 percent windows on the first floor and two percent on the second story and the west side would have five percent on the first floor and one percent on the second story (this is a two story building, but only one floor). Staff does not recommend alternative compliance for glass block alone to reduce the window requirement, but recommends that additional architectural detail be provided such as recesses and projections similar to the façade of the original building elevation, in addition to the glass block, as an alternative to the reduced window requirements.

The original building, the 2007 addition, and the proposed loading area reconstruction all have flat roofs similar to other structures in the area.

There are no parking garages proposed for the site. The parking is located on the north and south sides of the building.

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.**

The entrances to the existing building open onto the parking areas and to the the public sidewalk on 2nd Street North. No public entrances are proposed for the loading area addition.

There are no transit shelters or alleys on the site and there are no adjacent residential properties.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable as outlined in the attached PDR report.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management. The amount of impervious surface will not change with the replacement of the enclosed loading area.

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.**

CPED Planning Division Report

BZZ-4094

- 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.

The site plan shows 21 percent landscaping. The lot area is 160,670 square feet and the footprint of the buildings is approximately 80,966 square feet. This leaves 79,704 square feet, of which 20 percent (15,941 square feet) is required to be landscaped. The landscaping area has not changed since the approved 2007 site plan, but there have been changes to the plantings that are detailed in the following paragraphs. Not all of the landscaping has been installed, but it is scheduled to be completed by July 7, 2008, except for the plantings adjacent to the loading dock area to be reconstructed.

The development is required to provide 32 trees and 159 shrubs. The 2007 approved final landscaping plan shall showed 23 trees and a combination of 27 shrubs, 823 grasses and 149 vines on-site. Alternative compliance was granted for the number of trees. The additional trees required in the north yard retention basin were eliminated as they were prohibited by the Minnesota Pollution Control Agency (MPCA) in the retention pond. The MPCA reviewed the plans as a part of a voluntary clean-up of the site.

A seven-foot wide landscaped area with a ten-foot screen fence is provided along the 2nd Street North frontage and a five-foot wide landscaped area with a ten-foot screen fence is provided on 17th Avenue North between the parking and loading and the public street (the fence heights received a variance). It was not possible to have a seven-foot yard along 17th Avenue North as it would have encroached into the existing loading dock area, so in 2007 the Planning Commission granted alternative compliance, due to practical difficulties. No other screening is required on site.

In 2007, the Planning Commission granted alternative compliance to allow parking further than 50 feet from a deciduous tree.

CPED Planning Division Report
BZZ-4094

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.
- 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.

Curbing is shown around the surface parking area with breaks around the filtration area to allow stormwater flow.

The proposed reconstruction does not block of important views of the city, shadow public spaces and adjacent properties, and will not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines including improved fencing to provide territorial reinforcement and space delineation and access control. In addition, improved lighting has been installed. Vines will be planted along the entire east side of the site fence and columnar type plants will be provided in other areas along the fencing as a graffiti prevention measure.

There are no historic structures on the site, however HPC staff state that the building may have potential historic value that would have to be evaluated if the building were ever proposed to be demolished, but the proposed reconstruction does not require HPC review.

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: This use is classified as a scrap/salvage yard, metal milling facility. The zoning code defines this as “a use where scrap or salvage materials are shredded, milled, crushed, ground, bought, sold, exchanged, stored, baled, packed, disassembled or handled, including but not limited to scrap iron and other metals, paper, rags, rubber tires, bottles, plastics and aluminum cans. A scrap/salvage yard, metal milling facility may include automobile wrecking or dismantling.” The proposed use is a permitted use in the I3 Medium Industrial District. The site is zoned I2 and is a legal nonconforming use that does not have rights for automobile wrecking or dismantling.

CPED Planning Division Report

BZZ-4094

Off-Street Parking and Loading: The zoning code parking requirement for a scrap yard is as approved by the conditional use permit. This operation will be very similar to a recycling facility, which has a parking requirement that is as approved by conditional use permit, but not less than 1 space per 1,000 square feet of gross floor area up to 20,000 square feet plus 1 space per 2,000 square feet of gross floor area in excess of 20,000 square feet. The gross floor area of the building after demolitions and the new addition will be 80,966 square feet. This would require 50 parking spaces. The approved site plan has 53 parking spaces in the north yard. Two handicapped accessible spaces are required and three are provided; of which two are van accessible. Three large loading spaces are required and seven are provided.

Maximum Floor Area: The maximum FAR in the I2 District is 2.7. The lot in question is 160,673 square feet in area. The site will contain approximately 80,966 square feet of gross floor area on the lot, an FAR of 0.5.

Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The existing building is two stories. The reconstructed loading area 27 feet high and is classified as two stories, but it will be only one floor.

Minimum Lot Area: There is no minimum lot size for this use in the I2 District.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: No setbacks are required for this use in the I2 District.

Specific Development Standards:

The zoning code has the following specific development standards for scrap/salvage yard, metal milling facility:

(1) Scrap/salvage yards, metal milling facilities established or expanded after the effective date of this ordinance shall be located at least three hundred (300) feet from any residence or office residence district.

The facility was established legally before the zoning on the site was changed making the use legally nonconforming. It is located at least 300 feet from any residence or office residence district.

(2) Any new scrap/salvage yard, metal milling facility and any substantial intensification of an existing facility shall require approval of a conditional use permit. For the purposes of regulating scrap/salvage yards, metal milling facilities, substantial intensification shall mean any of the following:

a. Any geographic expansion of the facility.

b. The addition of any structure or expansion to the bulk of any structure, except additions or expansions designed primarily to provide weather protection or noise or air pollution abatement for existing shredding, milling, grinding, baling or packing equipment for the handling of scrap or salvage

CPED Planning Division Report

BZZ-4094

materials included on a certified list of such equipment properly submitted to the zoning administrator by August 31, 1992, in accordance with the requirements of the zoning code of 1963, and which do not change machine capacity or facility capacity.

c. The addition of any shredding, milling, grinding, baling or packing equipment for the handling of scrap or salvage materials, or the replacement of any existing shredding, milling, grinding, baling or packing equipment for the handling of scrap and salvage materials not included on a certified list of such equipment properly submitted to the zoning administrator by August 31, 1992, in accordance with the requirements of the zoning code of 1963.

d. The replacement of any existing shredding, milling, grinding, baling or packing equipment for the handling of scrap and salvage materials included on a certified list of such equipment properly submitted to the zoning administrator by August 31, 1992, in accordance with the requirements of the zoning code of 1963, which results in an increase of greater than ten (10) percent in the rated compression capacity, shear force capacity or other appropriate power or capacity measurement approved by the zoning administrator for the piece of equipment being replaced.

No new equipment is being added.

(3) All scrap/salvage yard, metal milling facilities shall provide the following with any application for conditional use permit:

Please note that no conditional use permit is required for this application and the following is provided as background. The applicant provided a written statement that answered the following items with the 2007 expansion. Please see attached letter for the detailed information.

a. A vicinity plan that includes the following:

1. A description of natural features, including streams, rivers, lakes, wetlands and major topographical features located within three hundred fifty (350) feet of the site.

The surrounding area within 350 is industrial with few significant natural features. The Mississippi River is to the east over 350 feet away.

2. A description of the proposal and how it compares to land uses within three hundred fifty (350) feet of the site.

The surrounding area is industrial with scrap and metal processing uses to the north, south, and east and the majority of the remaining area being utilized for light industrial uses. There is a rail line to the east.

3. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.

The applicant has indicated that there may be some environmental harm from past operations, but the applicant has entered into a voluntary Environmental Compliance Agreement with the Minnesota Pollution Control Agency to address these issues.

CPED Planning Division Report

BZZ-4094

b. An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations.

The 2007 expansion enclosed most operations and should eliminate most emissions from the site. The site will comply with all local, state, and Federal air quality requirements. The loading area is currently enclosed and will remain enclosed.

c. A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed and disposed of, and indicating conformance with all applicable dust emission regulations.

The majority of operations were moved indoors with the 2007 expansion. Please see the attached dust management plan that will identify sources of dust generation, assign dust control methods, and keep a record of this activity. The loading area is currently enclosed and will remain enclosed.

d. A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.

No new noise sources are proposed and the majority of operations were moved indoors with the 2007 expansion. The building will be designed with materials to mitigate noise impacts. The loading area is currently enclosed and will remain enclosed.

e. A vibration dampening plan describing sources of vibration and indicating conformance with all applicable vibration regulations.

No new sources of vibration are proposed. Please see the applicant's statement for maintenance, education, and engineering solutions relating to vibration. The loading area is currently enclosed and will remain enclosed.

f. A drainage plan for stormwater management and runoff.

A drainage, stormwater management, and erosion control plan will be reviewed and approved by Public Works at the final site plan stage before building permits may be issued. See the attached PDR report for Public Works commentary on these items.

g. A landscape plan showing compliance with the requirements of Chapter 350, Recycling Activities and Salvage Yards, of the Minneapolis Code of Ordinances and Chapter 530, Site Plan Review.

A landscape plan will be approved by planning staff at the final site plan stage before building permits may be issues.

h. A traffic plan describing the number of truck trips the proposal will generate and the principal access routes to the facility, including a description of the facility's traffic impact on the surrounding area.

CPED Planning Division Report

BZZ-4094

The applicant does not anticipate any increase in truck traffic to and from the site. One of the main goals of the 2007 building addition, the improvements to the north and south yard, and the reconstruction of the enclosed loading area is to have all customer and truck traffic, maneuvering, loading and unloading occur on site.

Hours of Open to the Public: In the I2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The site will be open to the public 7:30 a.m. to 4:30 p.m. Monday through Friday and from 7:30 a.m. to noon on Saturday.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The proposed sign plan is not yet finalized. The applicant is aware that signs require zoning office approval and permits.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers are screened as required by code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

CPED Planning Division Report
BZZ-4094

MINNEAPOLIS PLAN:

Map 1.2.1, of the *Minneapolis Plan* identifies this area as part of the North Washington Jobs Park and as an Industrial Park area. The plan states that “Minneapolis will support the existing economic base by providing adequate land and infrastructure to make city sites attractive to business willing to invest in high job density, low impact light industrial activity.” The existing use is legally nonconforming and may not be in conformance with the goals of the comprehensive plan; however, it is legally established and nonconforming and the proposed expansion and improvements will greatly improve the facility and in that sense the proposed expansion is in conformance with the goals of the *Minneapolis Plan*.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The *Above the Falls* plan (adopted 2000) shows this area as a light industrial/business park. It does not provide any specific direction beyond existing plans regarding land use (see page 61). The proposed improvements do not appear to be in conflict with the goals of the plan.

This site is in the MR Mississippi River Critical Area Overlay District. *The Mississippi River Critical Area Plan* was approved by the City Council on June 16, 2006. The plan states that “the City will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” Please see *The Minneapolis Plan* commentary in the section above.

The *Industrial Land Use* study was adopted by the City Council on November 3, 2006, and shows this site as part of an Employment District which, are areas designated for continued industrial use.

Alternative Compliance. The Planning Commission 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.**

CPED Planning Division Report

BZZ-4094

Alternative compliance is requested by the applicant to meet the following standards:

- 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.

The loading area reconstruction meets the blank wall prohibition on the south side facing 17th Avenue North, but the west side facing 2nd Street North has portions that are 25½ long and therefore do not meet the prohibition on blank walls. Staff does not recommend alternative compliance and recommends that additional architectural detail be provided such as recesses and projections similar to the façade of the original building elevation.

- Window requirements.

Staff does not recommend alternative compliance for glass block alone to reduce the window requirement, but recommends that additional architectural detail be provided such as recesses and projections similar to the façade of the original building elevation in addition to the glass block as an alternative to the reduced window requirements.

RECOMMENDATION:

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 findings above and **approve** the site plan review for property located at 1728 2nd Street North subject to the following conditions:

- 1) Staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued. The final site plan shall show the entire site and all building elevations.
- 2) All site improvements shall be completed by July 7, 2009, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance. The original landscaping plan shall be implemented by July 30, 2008, except for the area adjacent to the reconstruction, which shall be completed by July 7, 2009.
- 3) Compliance with all previous applicable conditions of approval for the site.
- 4) Additional architectural detail be provided on the south and west elevations of the loading area reconstruction, such as recesses and projections similar to the façade of the original building elevations, as required by Section 530.120 of the zoning code.

Attachments:

1. PDR Report
2. Statements from the applicant.
3. Zoning map.
4. Site plans and elevations.
5. Photos and aerials.