

Department of Community Planning and Economic Development – Planning Division

Conditional Use Permits for the Use, to Increase the Allowable Height, to Allow an Accessory Structure in a Floodway, to Allow Development Within 50 Feet of the Ordinary High Water Mark, to

Increase the Maximum Allowable Storage of a Flammable Gas, and to Allow the Storage of a Flammable Gas Within 300 Feet of a Residence District; Variance to Allow Development Within 50 Feet of a protected Water; and Site Plan Review

BZZ-3035

Date: 6/26/06

Applicant: Northern States Power Company dba Xcel Energy; 414 Nicollet Mall; Mpls., MN 55401

Address of Property: 3100 Marshall St. NE

Project Name: Riverside Repowering Project (part of the Minnesota Metro Emissions Reduction Project (MERP))

Contact Person and Phone: Darin Schottler, Project Manager, Xcel Energy, 414 Nicollet Mall, Mpls., MN 55401; 612-520-6862, Fax: 612-330-5675; darin.schottler@xcelenergy.com

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Date Application Deemed Complete: 6/1/06

End of 60-Day Decision Period: 7/31/06

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

Ward: 1 **Neighborhood Organization:** Concerned Citizens of Marshall Terrace

Existing Zoning:

- **Primary:** I3, General Industrial District
- **Overlay districts:**
 - Floodplain (Floodway District)
 - Mississippi River Critical Area
 - Shoreland

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 4

Proposed Use: Application by Xcel Energy to convert the fuel source for the Riverside power plant located at 3100 Marshall St. NE from coal to natural gas. The Riverside Repowering Project will provide for continued use of the plant as an electric generating plant. The new combustion turbines,

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heat recovery steam generators, and accessory equipment will be located in a new structure to be built within recently demolished areas of the plant. The Project will significantly reduce air emissions and will eliminate the transportation, storage, and handling of coal and ash associated with the existing operation. It will replace the three tall smoke stacks with two new stacks that are as much as 200 feet shorter, and it will increase electricity output by approximately 73 megawatts—enough electricity to supply more than 70,000 typical homes.

Concurrent Review:

- CUPs for the use.
- CUP to increase the maximum permitted height in an Industrial District, in the Mississippi River Critical Area Overlay District, and in the Shoreland Overlay District.
- CUP to allow structures in the Floodway District of the Floodplain Overlay District.
- CUP to allow development within 50 feet of the ordinary high water mark of the Mississippi River within the Shoreland Overlay District.
- Variance to allow development in the Shoreland Overlay District within 50 feet of a protected water.
- CUP to allow the storage of more than 2,750 gallons of a Class I flammable gas.
- CUP to allow the storage of a Class I flammable gas less than 300 feet from a residential zoning district.
- Site Plan Review.

Applicable zoning code provisions:

- **CUPs for the use:** Table 550-1 classifies “electricity generation plant, non-nuclear” as a conditional use in the I3, General Industrial District.
- **CUP to increase the maximum permitted height in an Industrial District, in the Mississippi River Critical Area Overlay District, and in the Shoreland Overlay District:**
 - At 550.130, the Zoning Code limits the height of structures to 4 stories or 56 feet, whichever is less. The Project will require the construction of a new building approximately 125 feet tall and two attached exhaust stacks approximately 185 feet tall. The Project also includes several new transmission towers approximately 125 feet tall that are integral to the power plant. At 550.140, the Code allows the height to be increased via a CUP, subject to four additional findings.
 - At 551.480, the Code limits the height of structures within the Shoreland Overlay District to 2.5 stories or 35 feet, whichever is less, within 300 feet of the river; and it allows an increase in the height via a CUP, subject to the same four additional findings listed at 550.130.
 - At 551.710, the Code limits the height of structures within the portion of the Mississippi River Critical Area Overlay District that the plant is located to 2.5 stories or 35 feet, whichever is less within 300 feet of the river. The Code allows an increase in the height via a CUP, subject to the same four additional findings listed at 550.130.
- **CUP to allow structures in the Floodway District of the Floodplain Overlay District:** The Code at 551.620 (2) classifies the following uses as conditional in the Floodway District: “Land uses in which access to or use of a surface water feature is an integral component, such as boathouses, docks, marinas, observation platforms and water control structures such as locks and dams.” The Project will withdraw water from the Mississippi River for use as non-contact cooling water. The water will pass through the plant condensers once and then be

returned to the river. Withdrawal from and return to the river may require minor modifications both above and below the water surface for the existing intake and discharge structures within the Mississippi River Floodway District.

- **CUP to allow development within 50 feet of the ordinary high water mark of the Mississippi River within the Shoreland Overlay District:** Section 551.470 (1) prohibits development within 50 feet of the ordinary high water mark of any protected water unless approved via a conditional use permit. Potential improvements to the existing intake and discharge structures trigger this CUP.
- **Variance to allow development in the Shoreland Overlay District within 50 feet of a protected water:** Section 551.470 (1) prohibits development within 50 feet of the ordinary high water mark of any protected water unless approved via a variance. Section 525.520 (18) lists this authorized variance. Potential improvements to the existing intake and discharge structures trigger this CUP.
- **CUP to allow the storage of more than 2,750 gallons of a Class I flammable gas:** Table 535-3 limits the storage of Class I flammable liquids, flammable gases, and flammable liquefied gasses to 2,750 gallons in the I3 District. Section 535.650 (c) allows additional storage subject to the approval of a conditional use permit. The Project will utilize hydrogen gas for cooling of the combustion turbines used to generate electricity. The hydrogen gas, a Class I flammable gas, will be stored onsite in cylindrical steel storage tanks. The proposed onsite storage volume is greater than the 2,750-gallon threshold above which a CUP is required.
- **CUP to allow the storage of a Class I flammable gas less than 300 feet from a residential zoning district:** At 535.650 (b)(3)(b), the Zoning Code states, “Storage of Class I flammables in excess of two thousand seven hundred fifty (2,750) gallons shall be located no closer than three hundred (300) feet from the nearest residence or office residence district, or such greater distance as required by conditional use permit.” The proposed storage location is about 250 feet from the edge of the R2B District Boundary (the center of Marshall Avenue), but more than 300 feet from the nearest residential structure.
- **Site Plan Review:** Chapter 530.

Prior approvals: No prior land use permit approvals in recent years. Xcel must obtain various permits from the Minnesota Pollution Control Agency (MPCA) including an NPDES permit and various air quality permits.

Background:

Minnesota Metro Emissions Reduction Project: In May 2002, Xcel Energy proposed the Minnesota Metro Emissions Reduction Project (MERP) to significantly reduce air emissions from three Twin Cities coal-powered generating plants while increasing the amount of electricity they can produce. The Minnesota Public Utilities Commission authorized Xcel’s proposal in December 2003. Through MERP, Xcel Energy will install state-of-the-art emissions control equipment at the Allen S. King plant in Oak Park Heights, Minn., and convert the High Bridge plant in St. Paul and Riverside plant in Minneapolis from coal to natural gas. The package of improvements, valued at nearly \$1 billion, will be completed in 2009.

Off-site impacts: The Riverside Repowering Project will provide for continued use of the plant as an electric generating plant. The combustion turbines, heat recovery steam generators, and accessory

equipment will be located in previously retired areas of the plant. It will result in the following reduced off-site impacts:

- The Project will significantly reduce air emissions. The Minnesota Pollution Control Agency estimates the following emission reductions based on the pending Air Quality permit for the Project:
 - Sulfur dioxide (SO₂): 99%
 - Nitrogen oxide (NO_x): 96%
 - Particulate matter: 86%
 - Mercury: 100%
- The Project will eliminate the transportation, storage, and handling of coal and ash associated with the existing operation and thereby reduce dust emissions, noise and vibrations, and railroad traffic, which is the current coal delivery system.
- The Project will replace the three tall smoke stacks with two new stacks that are as much as 200 feet shorter, thereby resulting in a lessened visual impact.
- The plant will continue to employ once-through cooling using river water. This eliminates the need for cooling towers and their resultant vapor plumes that plagued, for example, early operations at the downtown site of Hennepin County garbage incinerator.
- The Project will increase electricity output by approximately 73 megawatts—enough electricity to supply more than 70,000 typical homes.

Environmental review: At a meeting with Xcel on 11/14/05, City staff learned about Xcel Energy’s application for a demolition permit from the City (Regulatory Services) for a portion of the plant. This triggered review and approval by the Planning Director as regards the proposed demolition’s potential impact on the City’s historic resources. The application raised several environmental review questions at the state and federal levels. An historical evaluation of the Riverside Plant was completed by the 106 Group, LTD in 2005 which concluded that the site structures did not qualify for listing on the National Register of Historic Places, nor did they meet the landmark designation criteria of the Minneapolis Heritage Preservation Commission (HPC). These findings were reviewed by the U.S. Army Corp of Engineers, the State Historic Preservation Office, and the Minneapolis Heritage Preservation Commission staff. With the help of Assistant City Attorney, City staff determined that the Project is not subject to any additional mandatory state environmental review based on the facts as represented by Xcel Energy. There is the potential for the need to prepare a federal Environmental Assessment in the future for one aspect of the Project, however, this possibility will not delay the City from making final permit decisions for the Project.

Neighborhood review: Attachment 9 includes the letters from neighborhood groups.

CONDITIONAL USE PERMITS

A. Findings as required by the Minneapolis Zoning Code for the Conditional Use Permit for the Use:

The 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 following lists the Specific Development Standards in the Zoning Code as regards electricity generation plants (in italics) and describes how the Project conforms:

Electricity generation plant, hydroelectric and non-nuclear powered. All energy generation plants shall provide the following with any application for conditional use permit:

- (1) *A vicinity plan that includes the following:*
 - a. *A description of natural features, including streams, rivers, lakes, wetlands and major topographical features located within three hundred fifty (350) feet of the site.*
 - b. *A description of the proposal and how it compares to land uses within three hundred fifty (350) feet of the site.*
 - c. *A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.*

Response: Xcel submitted a vicinity plan that meets the requirements of this section of the Zoning Code. The company stated that “potential environmental hazards due to existing or proposed land uses will be addressed through appropriate design and operating practices. While the potential exists to encounter legacy soil contamination during intrusive site activities, potential environmental issues will be addressed through the implementation of a soil management plan. Xcel Energy has prepared and implemented a soil management plan to guide management of materials that are excavated as part of construction, demolition, and closure efforts at the Site. Water contamination will be controlled by implementation of the Drainage Plan (see Section 3.1.6) and adherence to state-issued NPDES permits and associated stormwater and process water management plans. Air contamination will be controlled by implementation of the Air Quality Plan (see Section 3.1.2) and the state-issued air quality permits.”

- (2) *An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations.*

Response: Air quality will be controlled by implementation of the Air Quality Plan and the state-issued air quality permits. Xcel Energy has made available the air quality plan for the Project. The facility is subject to state and federal Prevention of Significant Deterioration (PSD) requirements because the facility qualifies as a major source under PSD rules defined in 40 CFR52.21. The Repowering Project’s net emission increases, based on the difference between past and future potential emissions, are less than the PSD major modification thresholds except for Carbon Monoxide and Volatile Organic Compounds (VOCs). Therefore, the Project is subject to PSD and Best Available Control Technology (BACT) review for these two pollutants. The

Repowering Project includes equipment that will also be governed by Maximum Achievable Control Technology (MACT) standards specified in 40 CFR 63 and New Source Performance Standards in 40 CFR 60 Subparts DB and GG.

- (3) *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.*

Response: The current air emission permit (#05300015) contains conditions for controlling fugitive dust and to maintain a Fugitive Dust Plan. The Plan describes emission sources, activities and methods used to control fugitive dust at the plant site. The Plan discusses the watering equipment, work areas, application methods, and recordkeeping related to dust control. The standards call for preventing avoidable amounts of particulate matter from becoming airborne from activities involved in handling, use, transportation and storage of materials.

- (4) *A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.*

Response: Based on the noise and vibration analyses, the Project will result in perceptible decreases in noise and vibration levels in nearby residential areas and the Project, by itself, will not result in violations of state and local noise standards.

- (5) *A vibration dampening plan describing sources of vibration and indicating conformance with all applicable vibration regulations.*

Response: No specific vibration regulations are known to apply to the Project. However, vibration dampening of the proposed facility is not expected to be an issue.

- (6) *A drainage plan for stormwater management and runoff.*

Response: The company's submission includes the following: "Stormwater management practices for the site have been designed to go beyond the minimum levels required for compliance with MPCA's NPDES permits and the City of Minneapolis' minimum treatment requirements. Redevelopment of the site will minimize impervious surface and greatly reduce stormwater contact with significant materials associated with industrial activities. In the process of site redevelopment, additional portions of the site that currently drain directly to the river or the City's sewer systems will be captured where feasible, along with stormwater from the sewer that currently collects coal pile runoff, and will be diverted to a basin and infiltrated for rainfall events as large as the 100-year, 24-hour Type II storm event. The existing North Pond, which currently receives coal pile runoff via the existing lift station, will be

abandoned and the proposed location of the infiltration basin will eliminate the need for future pumping of stormwater. . . . Runoff from the southeast portion of the site, which includes the roof drains for the existing generation buildings, currently flows via storm sewer to Marshall Drive or directly into the river through a discharge tunnel outfall located in the southwest corner of the site. ...

“Control of erosion will be maintained through the proper operation and maintenance of the stormwater management system described above and the implementation of the landscape plan described in Section 3.1.7.” In addition, the Public Works Department will require the approval of a Stormwater Management Plan and an Erosion Control Plan.”

- (7) *A landscape plan showing compliance with the requirements of Chapter 530, Site Plan Review.*

Response: Refer to the landscape discussion in the Site Plan Review section of this report.

- (8) *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*

Response: Refer to the response to Finding 4 below.

The replacement of the coal fuel supply with a natural gas fuel supply will enhance public health due to cleaner burning fuels, decreased dust from the coal handling equipment, a reduction in railroad traffic and its concomitant reduction in noise and vibrations. The new buildings will be in scale with the existing buildings.

The Preliminary Development Review (PDR) group will review the Project on 6/21/06. The applicant's statement is in Attachment 6.

- 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 above discussion details how the Project will improve conditions on site and reduce off-site effects of the power plant. The Project will enhance the use and enjoyment of other property in the vicinity.

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

The Project includes plans for adequate utilities including a Drainage Plan that will result in less strain on City drainage facilities. As regards access, refer to the following response in Finding 4. As stated above, the Public Works Department will require the approval of a Stormwater Management Plan and an Erosion Control Plan.

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

Traffic to and from the site will utilize the existing secure entrance into the site located at 3100 Marshall Street NE. This intersection is controlled by an existing traffic light which controls traffic both entering and leaving the site. There will be no changes to the existing site access or public roads associated with the Project. The plant is staffed 24 hours, 7 days per week. Vehicles trips into and out of the site by plant employees, maintenance support staff, and plant training center visitors is anticipated to range from approximately 150 to 200 during the weekdays and up to approximately 100 per weekend day. Deliveries of operating supplies and materials will range from approximately 5 to 10 per day. Some increased traffic, approximately an additional 50 to 60 vehicles will occur during plant outages and overhauls, which will occur on an infrequent basis and generally once per year for a few weeks duration. As a result of this Project, the most significant traffic impact will be the elimination of regular coal train rail deliveries and the elimination of heavy truck traffic hauling ash from the site.

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

a. The City’s Goals (selected goals):

Goal 6: Preserve, enhance and create a sustainable natural and historic environment city-wide.

Goal 8: Strengthen our city through infrastructure improvements.

b. The *Minneapolis Plan* (adopted by the City Council in 2000): The following policies apply to the Project:

Policy 7.1: Minneapolis will manage the use of the city’s environmental resources (including air, water and land) in order to meet present needs while considering future concerns.

Implementation Steps (selected):

- Improve air quality and reduce noise by mitigating impacts and reducing sources for emissions or noise pollution.

Policy 9.15: Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.

Implementation Steps (selected):

- Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.
- Require screening and buffering for new developments next to residential areas.

Policy 9.25: Minneapolis will establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings.

Implementation Steps (selected):

- Allow for a limited amount of heavy industrial uses where appropriate, but minimize negative impacts on their surroundings.
- Encourage heavy industry to locate at appropriate sites, such as those that have with immediate freeway access, are distant from natural or cultural amenities, and with no significant residential uses in the immediate vicinity.

c. Project’s Consistency with City Goals and the *Minneapolis Plan*: The following describes how the petition relates to the above City Goals and the policies of the *Minneapolis Plan*:

- Consistent with City Goal 6 and Policy 7.1, the Project will result in a substantial positive environmental effects including improvements to stormwater management and point-source air quality; improved air quality and reduced noise, vibration, and dust from reduced rail and coal handling operations (including ash removal); and soils remediation.
- Consistent with Goal 8, the Project provides needed increases in electric power capacity.
- Consistent with Policy 9.15 and 9.25, the Project includes site enhancements that will improve the screening of this heavy industrial use from the nearby residential neighborhood. These improvements includes rehabilitated perimeter walls and decorative fencing; substantial increases in landscaping and natural screening; removal of unsightly structures; and new construction that is compatible in massing, scale, and height with the other major buildings on the site.

d. Consistency with other applicable plans: The following describes two other plans that are applicable to the Project and how the Project conforms to the applicable policies:

- ***Minneapolis Mississippi River Critical Area Plan (currently in draft form and pending Council adoption):***
 - To the extent feasible, open storage and parking areas for the coal-fired Xcel Energy generating plant on the Upper River should be screened from view from the opposite bank and the river surface.

Project consistency: The only open storage on site currently is the coal pile, which will be removed and re-vegetated. There are two existing parking areas on the river side of the site. The

southern-most parking area is screened from the west bank of the Mississippi River by a vegetated island. A proposed parking area immediately adjacent to the new generation building will be screened from the river by a permanent floodwall. Another parking area west of the new generation building and near the Mississippi River will be screened by new bushes that will be planted as part of the landscape plan.

- ***Above the Falls: A Master Plan for the Upper River in Minneapolis (adopted by the City Council):***
 - While some consider the visibility of the Riverside plant an impediment to redevelopment on the opposite, west bank, the older part of the plant is relatively handsome with its classic red brick industrial facades. The northernmost smokestack is twice the height of the original stacks and connects to a newer metal and concrete-sided addition. The large piles of coal and this addition create the negative visual impact. The coal piles are well hidden by high landscaped berms along Marshall St.; however, given the topography, it is difficult to hide the coal from view on the west bank. The actual river edge, north of the barging bulkheads and in front of the coal, is vegetated with a few trees and grasses, and is not as denuded as other banks in the study area.

Project consistency: Due to the current industrial uses, access and views of the plant from the west bank are very limited, however, the long-range plan expressed in the City’s adopted *Above the Falls Plan* calls for residential uses, parks, and important views on the west bank (Attachment 10). There are two existing parking areas on the river side of the site, neither of which is currently screened from views from the west bank except by the vegetated island to the west. The landscape plan includes appropriate landscaping and screening for these areas of the site. The Project will remove and re-vegetate the coal pile and replace the three current stacks with two stacks that will be over 200 feet shorter. The new transmission towers will be of similar or shorter height as the existing transmission towers on the site.
 - In order to maximize the potential for river views on parcels adjacent to the new parks [on the west bank], relocation of these towers and lines may be necessary. Two corridors are available for tower relocation: either the railroad corridor, or the west side of Washington Ave. along the interstate. While the railroad corridor may be adequate for portions of the redevelopment area, placement of the lines along the interstate would clear views for all redevelopment areas.

Project consistency: The Repowering Project does not require modification of electric transmission facilities outside the Riverside Plant site. Relocation of off-site transmission lines is beyond the scope of this project, but the Project does not preclude any future options for addressing those transmission lines.

- Leading down to the river, away from the bustle of the Conservatory and formal gardens [in Marshall Terrace Park], the Riverbank Restoration Trail displays and interprets bank restoration techniques applied to the Upper River area. Trees, shrubs, and other plants are labeled for easy identification. Interpretive displays explain how the bank was restored, techniques and plants used, and a timeline showing growth over the years. . . . In addition to the goals of continuous parks and recreation trails, improvements to Marshall St. are also desired.

Project consistency: The site plan does not include specifics to implement a trail along the river side of the Riverside Plant site. Xcel Energy’s position has been, and continues to be, that safety and security concerns make such a trail alignment problematic. However, no aspect of the Project will add additional barriers compared to existing conditions. Additionally, an alternative route for a trail bypassing the Riverside Plant site to the east may be feasible. Future improvements would necessarily require an expansion to the right-of-way probably on the west side. The proposed Project will not adversely impact the ability to make future improvements to Marshall Street.

- If NSP ever decided to convert the Riverside plant to natural gas, the associated areas with piles of coal and fly ash would become prime redevelopment sites with western exposure and river views.

Project consistency: Xcel Energy current plans are to retain ownership of the entire Project site and maintain the former coal storage area as green space. The property owned by Xcel Energy north of St. Anthony Parkway and currently used for ash storage is not part of the Project site and this land use application.

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

The recommendations and conditions of approval herein will ensure the Project

conforms to the applicable regulations of the I3 District. The other chapters of the Zoning ordinance that apply to this proposal are as follows:

- **CUP to increase the maximum permitted height in an Industrial District, in the Mississippi River Critical Area Overlay District, and in the Shoreland Overlay District:** Section 550.130.
- **CUP to allow accessory structures in the Floodway District of the Floodplain Overlay District:** Section 551.620 (2).
- **CUP to allow development within 50 feet of the ordinary high water mark of the Mississippi River within the Shoreland Overlay District:** Section 551.470.
- **Variance to allow development in the Shoreland Overlay District within 50 feet of a protected water:** Section 551.470 (1) and 525.520 (18).
- **CUP to allow the storage of more than 2,750 gallons of a flammable gas:** Table 535-3 and Section 535.650 (c).
- **CUP to allow the storage of a flammable gas less than 300 feet from a residential zoning district:** Section 535.650 (b)(3)(b).
- **Site plan review:** Chapter 530.

B. Findings as required by the Minneapolis Zoning Code for the Conditional Use Permit to increase the maximum permitted height in an Industrial District, in the Mississippi River Critical Area Overlay District, and in the Shoreland Overlay District:

The 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 Project will require the construction of a new building approximately 125 feet tall, several new transmission towers also approximately 125 feet tall, and two exhaust stacks approximately 185 feet tall. All of these features will exceed the maximum allowed structure height in the Industrial District (56 feet) and in the Mississippi River and Shoreland Overlay Districts (35 feet). The proposed stacks will be approximately 200 feet shorter than the tallest of the three existing stack on the site that are over 400 feet tall. The proposed new building will shorter in height than existing building currently on the site (see Drawings C-01 through C-05). The new transmission towers will be of similar or shorter height as the existing transmission towers on the site. The removal of several existing structures will mitigate existing impact on the view from the residential areas to the east. As such the overall height of the power plant will decrease as a result of this Project.

The applicant's statement is in Attachment 6.

- 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.**

Refer to the prior response. The applicant's statement is in Attachment 6.

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

Not applicable.

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

Not applicable.

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

Refer to the response to this same finding for the prior CUP section of this report.

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

The recommendations and conditions of approval herein will ensure the Project conforms to the applicable regulations of the I3 District.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

- 1. Access to light and air of surrounding properties.**

As stated above, the proposed changes at the site will result in an overall reduction in height of the plant features. The removal of several existing structures will mitigate existing impact on access to light and air from the residential areas to the east.

- 2. Shadowing of residential properties or significant public spaces.**

The Project will result in an overall reduction in height of the plant features and their shadows.

- 3. The scale and character of surrounding uses.**

The use of the property for generation of electricity will be unchanged while the height of the highest features on the site will be reduced. The proposed new building will be placed in the same footprint as an existing building that will be demolished. The height of the new building will be similar in scale to the existing buildings that

will remain on the property and its design is consistent the design of the existing industrial buildings on the property.

4. **Preservation of views of landmark buildings, significant open spaces or water bodies.**

The proposed changes at the site, including the removal of the coal storage area on the north portion of the site and the coal handling facilities and the smaller profile of the new building and stacks, will result in an overall increase of private open space on the property and enhanced views toward and from the Mississippi River.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when considering a conditional use in a Shoreland Overlay District (per 551.490):

1. **The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Xcel Energy will implement appropriate best management practices (BMPs) for erosion control during construction of modifications to the cooling water intake and outlet and the foundations for the transmission towers or any other work performed on site. The proposed development is not expected to present soil erosion problems after construction is complete. As stated above, the Public Works Department will require the approval of a Stormwater Management Plan and an Erosion Control Plan and the Project must comply with stringent state permit requirements.

2. **Limiting the visibility of structures and other development from protected waters.**

The major modifications to the cooling water intake and outlet will be below the normal river water surface. The above water modifications to the cooling water intake and outlet will be low profile and generally consistent with other waterfront features in the vicinity of the property. The transmission towers will be of similar appearance to the transmission towers already present on the site and adjacent to the river.

3. **The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

The development will not generate watercraft traffic.

C. **Findings as required by the Minneapolis Zoning Code for the Conditional Use Permit to allow structures in the Floodway District of the Floodplain Overlay District:**

The 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 Project will continue to withdraw water from the Mississippi River for use as non-contact cooling water. The water will pass through the plant condensers once and then be returned to the river. Withdrawal of water from and return to the river may require only minor modifications, both above and below the water surface, for the existing structures. The proposed changes to the intake and outlet for cooling water will not impact river flood levels or otherwise adversely impact the use of the river or adjacent properties.

The applicant's statement is in Attachment 6.

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.

Refer to the prior response. The applicant's statement is in Attachment 6.

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

Not applicable.

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

Not applicable.

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

Refer to the response to this same finding for the first CUP section of this report.

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

The recommendations and conditions of approval herein will ensure the Project conforms to the applicable regulations of the I3 District. The project will have to comply with the general provisions of the Zoning Code as applicable in the Floodplain Overlay District per Section 551.590, 551.640, and 551.650. Planning staff believe the proposed changes to the intake and outlet structures for cooling water will meet the requirements of these sections of the Zoning Code.

D. Findings as required by the Minneapolis Zoning Code for the Conditional Use Permit to allow development within 50 feet of the ordinary high water mark of the Mississippi River within the Shoreland Overlay District:

The 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 structural modifications to the intake and outlet structures described above, as well as foundations and steel towers for new electric transmission, will be placed within fifty feet of the ordinary high water mark of the River. These changes will not impact river flood levels or otherwise adversely impact the use of the river or adjacent properties.

The applicant's statement is in Attachment 6.

- 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.**

Refer to the prior response. The applicant's statement is in Attachment 6.

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

Not applicable.

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

Not applicable.

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

Refer to the response to this same finding for the first CUP section of this report.

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

The recommendations and conditions of approval herein will ensure the Project conforms to the applicable regulations of the I3 District. The project will have to comply with the general provisions of the Zoning Code as applicable in the Shoreland Overlay District per Section 551.510 and 551.520. Planning staff believe the structural modifications to the intake and outlet structures described above, as well as foundations and steel towers for new electric transmission will meet the requirements of these sections of the Zoning Code.

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when considering a conditional use in a Shoreland Overlay District (per 551.490):

- 1. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**

Refer to the responses to these same findings in the last part of section B of this report.

- 2. Limiting the visibility of structures and other development from protected waters.**

Refer to the responses to these same findings in the last part of section B of this report.

- 3. The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.**

Refer to the responses to these same findings in the last part of section B of this report.

E. Findings as required by the Minneapolis Zoning Code for the Conditional Use Permit to allow the storage of more than 2,750 gallons of a Class I flammable gas and to allow that storage within 300 feet of a residence district:

The 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 Project will utilize hydrogen gas for cooling the combustion turbines used to generate electricity. The hydrogen gas, a Class I flammable gas, will be stored onsite in cylindrical steel storage tanks. The proposed onsite storage volume is greater than 2,750 gallons and its location will be less than 300 feet from a Residence District (see Drawing C- 06). The hydrogen will be delivered on tube trailers in a compressed gas form. Normally compressed gasses are measured in standard cubic feet. However, the water volume of the tube trailers (total trailer volume on our plant site at one time) will be about 10,000 gallons. The pad for the tanks will be 130 ft. west of the Marshall St. property line and over 400 feet from the nearest residence. According to Xcel, no special accommodations other than a concrete pad to hold the storage tank will be necessary. In addition, Xcel Energy is the owner of the R2B property parcels immediately east of the plant that are closest to the proposed tank storage location (see Exhibit 3 and Drawing C-09 in Attachment 4). Hydrogen is not toxic, so no special secondary containment or other drainage facilities are required. Use of hydrogen gas for cooling of the combustion turbines is a common practice and proven safe and economical means to provide the cooling that is essential to this electric generation technology. Strict adherence to the ordinance setback requirement would require

placement of the storage tanks on the river side of the plant buildings where access is more difficult, both for routine filling or replacement of the tanks, and for emergencies. By allowing the storage of hydrogen in an accessible location enhances its safety.

- 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.**

Refer to the prior response.

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

Refer to the prior response.

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

Not applicable.

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

Refer to the response to this same finding for the first CUP section of this report.

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

The recommendations and conditions of approval herein will ensure the Project conforms to the applicable regulations of the I3 District. The project will have to comply with the provisions of the Zoning Code as applicable per Section 535.650. Planning staff believe the proposed onsite storage of Class I flammables will meet the requirements of this section of the Zoning Code.

VARIANCE

Findings as required by the Minneapolis Zoning Code for the Variance to allow development in the Shoreland Overlay District within 50 feet of protected water:

- 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.**

The Riverside power plant has been relying on once-through cooling water drawn from the Mississippi River for its entire, almost century-long history. It is an essential aspect of power generation. As stated above in section D, withdrawal of water from and return to the river may require only minor modifications, both above and below the water surface, for the existing structures. The proposed changes to the intake and outlet for cooling water will not

impact river flood levels or otherwise adversely impact the use of the river or adjacent properties.

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.**

Refer to the above response to Finding 1.

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.**

Refer to the above response to Finding 1.

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.**

Refer to the above response to Finding 1.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for 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.**

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- 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.
 - 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 530.120 of the zoning code.
 - The form and pitch of rooflines 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.

Conformance:

- The building placement and façade requirements are difficult to apply to a unique project such as this. The new building, its two stacks, and associated transmission towers will be internal to the site. Entrances will not be visible to the public. The structure is essentially a massive housing for large power generators and their associated equipment. Windows are inappropriate. As regards the requirements concerning blank walls and architectural elements, the massiveness of the building at about 260 feet on a side and 125 ft. tall demands recesses and projections at this same

large scale. On the east side of the building, there are four large structures (30' wide by 35' tall) that help to break up the massing on the lower portion of the building and two large air intakes (60' X 40') on the upper part of the façade that do the same. The two exhaust stacks on the west side of the building help to break up the massing. Other structures on site screen the north and south sides of the new building.

- The proposed exterior material is metal that could be any number of colors. Xcel is examining primarily earthen colors, a natural aluminum color, and a deep blue similar to that on the new Guthrie Theater.
- The demolition aspects of the Project will reveal portions of existing buildings that are stained or damaged. Xcel intends to repair and clean the parts of the buildings that are visible off-site. Xcel plans to address the siding on the east side of the north Unit 8 building which will be exposed by the demolition activities. These areas appear to be stained from rusting of the adjacent structural steel and from the coal handling operations. After removal of the precipitator, the coal handling equipment and the associated structural steel, stained areas of the siding will be cleaned, painted, or replaced to achieve a more uniform appearance.
- Roofs will be flat.

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.

Conformance:

- Clear and well-lighted walkways of at least 4 feet in width connect building entrances and to the parking facilities located on the site. There is no sidewalk connection to the public sidewalk on Marshall St., but the plant is not open to the public except by appointment.
- There are no bus shelters in the vicinity. Metro Transit Route 827 provides regular service on Marshall St.
- As stated above, traffic to and from the site will utilize the existing entrance, which is controlled by an existing traffic light. As a result of this Project, the most significant traffic impact will be the elimination of regular coal train rail deliveries and the elimination of heavy truck traffic hauling ash from the site.
- All areas of the site not covered by the building and sidewalks will be landscaped.

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.

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- 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.**

Conformance:

- The existing Riverside site is approximately 56 acres. Under the proposed changes to the site, approximately 51 acres will remain unoccupied by buildings. All areas of the site not covered by buildings and other structures, pavement, and equipment will be landscaped. The Project will add 850,000 sq. ft. of landscaping, which will equal 54% of the net site.
- The Code requires one tree per 500 sq. ft. of required landscaping (20% of the net site equals approximately 10 acres (444,000 sq. ft. of landscaping and a requirement of 888 trees), and one shrub for every 100 sq. ft. of required landscaping (which yields a requirement of 4,440 shrubs). There are 1,087 trees present on the Riverside site and 462 shrubs. The plan will result in approximately 20 acres of new private open space, 35 additional trees and 109 additional shrubs.

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	Existin g	Proposed	Total	Requirement	Difference
Site (000)	2,450	2,450	2,450		
Bldg. footprints (000)	156	74	230		
Landscaping (000)	350	850	1,200	444	
Landscaping percentage	15%		54%		
Trees	1,087	35	1,122	888	234
Shrubs	462	105	567	4,440	(3,873)
Total plants	1,549	140	1,689	5,328	(3,639)

- Xcel proposes to enhance the streetscape along Marshall Street south of the plant entrance by replacing portions of the existing masonry wall with a new ornamental fence similar to the existing fence at the plant entrance; and planting trees, shrubs, and grasses adjacent to those new fence sections. The remaining sections of the masonry wall will be repaired and painted. The plantings along Marshall Street are intended to both screen the interior workings from the residential community, but also serve to soften the severe concrete wall that currently exists along the street.
- When completed, the plant will include 5 parking areas, all of which will be interior to the site and not along a public street, public sidewalk, or public pathway. Additional shrub plantings are planned between the River and an existing parking area. A new parking area is proposed in the interior of the site immediately adjacent to the new generation building will be screened from the river by a permanent floodwall. This lot will meet the Zoning Code requirement to have an on-site deciduous tree within 50 feet of every stall. The other 4 parking areas do not meet this requirement.

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.

Conformance:

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- The Public Works Department will review the proposed stormwater management plan for the site.
- The Project will have to comply with section 535.590. New exterior lighting for roadways and parking lot areas will be full cutoff style luminaries with 400 watt metal halide lamps. Pole height will be 35 feet or lower. All parking lots are interior to the site and buildings, walls, and landscaping will prevent off-site headlight glare.
- Since the building height is comparable to the existing buildings on site, the Project will not constitute a significant change in the obstruction of views and will not significantly increase shadows.
- Since the building is 125 ft. tall and interior to the site, it will not generate any significant pedestrian-level winds.
- The Police Department will review the Project as regards natural surveillance and site safety.
- As stated above, an historical evaluation of the Riverside Plant was completed by the 106 Group, LTD in 2005 which concluded that the site structures did not qualify for listing on the National Register of Historic Places, nor did they meet the landmark designation criteria of the Minneapolis Heritage Preservation Commission (HPC). These findings were reviewed by the U.S. Corp of Engineers, the State Historic Preservation Office, and the Minneapolis Heritage Preservation Commission staff. With the help of Assistant City Attorney, City staff determined that the Project is not subject to any additional mandatory state environmental reviews.

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: As stated above, Table 550-1 classifies “electricity generation plant, non-nuclear” as a conditional use in the I3, General Industrial District.

Off-Street Parking and Loading: The plant includes 122 spaces, an amount that Xcel Energy is in excess of the anticipated maximum number of employees on the property during typical operations. Required parking is as follows:

- First 20,000 gross square feet of space: 20 stalls
- Remaining 174,000 gross square feet: 87 stalls
- Total requirement: 107 stalls

No curbs or curb stops are planned to facilitate cleaning and snow removal. The Project includes additional parking in a lot that will be fully screened by landscaping.

Maximum Floor Area: The maximum floor area ratio in the I3 District for public utilities is 2.7. The Project has an FAR of (294,000/2,450,000) 0.12.

Building Height: Building height in the I3 District is limited to 4 stories or 56 feet, whichever is less; and the height limits in the Mississippi River Critical Area Overlay District and in the Shoreland Overlay District are 2.5 stories and 35 ft., whichever is less. The new building and its accompanying exhaust stacks and transmission towers exceed these limits, which is the topic of the subject conditional use permit.

Minimum Lot Area: The minimum lot area in the I3 District for public utilities is as approved by the conditional use permit per Table 550-2. The lot area is approximately 2,450,000 sq. ft.

Yard Requirements: The I3 District does not include yard requirements that apply to the Project.

Maximum lot coverage: The I3 District does not include a maximum lot coverage restriction.

Impervious surface coverage: The I3 District does not include a maximum impervious surface coverage.

Specific Development Standards: The section of this report that addresses the first finding for the Conditional Use permit includes the specific development standards.

Hours of Operation: The plant is not open to the public except by appointment.

Signs: No new signs are proposed for the Project. The existing signs conform to the Zoning Code.

Refuse storage: All trash is managed on site. Any dumpsters visible from the street must be screened.

Minneapolis Plan: Refer to the Conditional Use Permit section of this report.

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.**

Conformance: The following describes how the Project is not in conformance with the applicable provisions of the Zoning Code and includes recommended alternative compliance measures (subject to the approval of the subject variance and conditional use permits):

- **Massing and blank walls:** In order to divide larger buildings into smaller identifiable sections, the Code requires building walls to include architectural elements, including recesses or projections, windows, and entries. The Code prohibits blank, uninterrupted walls that exceed 25 feet in length that do not include windows, entries, recesses or projections, or other architectural elements. As stated above, the new building will have no windows and most walls will violate the 25-foot blank wall prohibition. Planning staff believe that the massiveness of the building

demands recesses and projections at this same large scale. The east and west facades that are most visible off-site have structures (air intakes and exhaust stacks, etc.) that help to break up the massing. Xcel's position regarding this matter follows:

“The new building proposed for the site will house an electric generating facility. For safety and operational reasons, it is impractical to meet building wall design requirement specified in the Minneapolis Code. The Riverside Plant site setting and its existing and proposed buildings suggests that the visual appearance would be enhanced by minimizing the new building features. Due to the distances from the road and residences, articulation attempted by texturing the siding would be lost when viewed from the public areas around the plant. Additionally the east-west orientation of the building relative to Marshall Street means that the street view will not benefit significantly from shadowing. Xcel Energy proposes a minimalist design approach and not adding features to the new building that would attract attention. Adding treatment to the building such as stripes, color variations or architectural details would draw attention to the building—adding additional building features would detract from the site's appearance, add expense and would offer no improvement.

“Xcel Energy proposes as alternative compliance, to change the visual focus of the site from the site structures to the Marshall Street frontage by creating an interesting vegetated streetscape and by specifying a color for the new building that does not reflect light and blends in with the adjacent brick structures. An example of a Minneapolis building with such an architectural design approach is the new Guthrie Theatre with its minimalist design and non-reflecting “Harverstore” blue color. Proposed visual impact improvements on the Marshall streetscape, described in detail in Section 3.1.7, include replacing portions of the existing masonry wall with a wrought iron-look fence, repairing and painting the remaining masonry wall sections, and planting intermittent green spaces to breakup the expanse of wall and sidewalk. The Xcel Riverside plant is bordered by parks and other large, grassed open spaces to the north, south and east. The creation of an aesthetically pleasing and natural-looking streetscape is compatible with adjacent properties will enhance the appearance of the site from neighboring properties to the east.”

Planning staff concur with Xcel's position and recommend that the proposed plan to enhance the landscaping, add decorative fencing, repair the existing wall, and clean up buildings that the demolition aspects of the project will reveal are sufficient alternative compliance measures for the lack of windows and the presence of blank walls greater than 25 ft. wide. Staff have no recommendation as regards the appropriate color for the new building.

- **Landscape issues:** The Project is not in compliance with two landscaping provisions of the Code: The extensive amount of open space on the site results in a very high tree and shrub requirement (888 trees and 4,440 shrubs). Although the Project exceeds the tree count by 234 trees (26% over the minimum), it provides only 567 of the required 4,440 shrubs. Secondly, 4 of the 5 parking areas do not meet the Zoning Code requirement to have an on-site deciduous tree within 50 feet of every stall.

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Given the scale of the site and the massive structures, the more important landscape components are the trees rather than shrubs, and the location of the landscaping so it can screen and soften the hard industrial edges relative to the residential areas to the east of the site and future non-industrial uses that will be able to view the site from across the river. The Project significantly exceeds the 20% minimum landscape requirement (54% of the net site) and it accomplishes the above-described screening goals through the use strategically placed trees and shrubs and ornamental fences. It provides for 20 acres of additional landscaping and private open space, preserves natural features, and restores previously damaged areas. The removal of the coal pile, amendment of the topsoil, and establishment of grasses will restore natural function to the current coal pile site. The conversion of the coal pile area to grass greatly reduces the heat island effect of the site. Moreover, the grassed area will hold soil and reduce surface water runoff and dust emissions more effectively than the existing coal pile. Planning staff believe that these aspects of the landscape plan are sufficient alternative compliance measures for the noncompliance of the landscape plan as regards the number of shrubs and parking lot tree requirement.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and approve the Conditional Use Permit for the Riverside Repowering Project located at 3100 Marshall St. NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit to increase the maximum permitted height in an Industrial District, in the Mississippi River Critical Area Overlay District, and in the Shoreland Overlay District for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit to increase the maximum permitted height in an Industrial District, in the Mississippi River Critical Area Overlay District, and in the Shoreland Overlay District to allow the construction of a new building approximately 125 feet tall, two exhaust stacks approximately 185 feet tall, and several new transmission towers approximately 125 feet tall for the Riverside Repowering Project located at 3100 Marshall St. NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit to allow structures in the Floodway District of the Floodplain Overlay District for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and approve the Conditional Use Permit to allow structures in the Floodway District of the Floodplain Overlay

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District for the Riverside Repowering Project located at 3100 Marshall St. NE., subject to compliance with Section 551.590, 551.640, and 551.650.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit to allow development within 50 feet of the ordinary high water mark of the Mississippi River within the Shoreland Overlay District for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit to allow development within 50 feet of the ordinary high water mark of the Mississippi River within the Shoreland Overlay District for the Riverside Repowering Project located at 3100 Marshall St. NE., subject to compliance with Section 551.510, 551.520, and 551.530.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance to allow development in the Shoreland Overlay District within 50 feet of a protected water for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Variance to allow development in the Shoreland Overlay District within 50 feet of protected water for the Riverside Repowering Project located at 3100 Marshall St. NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit to allow the storage of more than 2,750 gallons of a Class I flammable gas for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit to allow the storage of more than 2,750 gallons of a Class I flammable gas for the Riverside Repowering Project located at 3100 Marshall St. NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Conditional Use Permit to allow the storage of a Class I flammable gas less than 300 feet from a residential zoning district for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Conditional Use Permit to allow the storage of a Class I flammable gas less than 300 feet from a residential zoning district for the Riverside Repowering Project located at 3100 Marshall St. NE.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Site Plan Review Permit for the Riverside Repowering Project located at 3100 Marshall St. NE:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the Site Plan Review Permit for the Riverside Repowering Project located at 3100 Marshall St. NE. subject to the following conditions:

1. CPED Planning staff review and approval of the final site plan, landscaping plan, lighting plan, and building elevations before building permits may be issued.
2. All site improvements shall be completed by June 26, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Zoning, lot lines, and uses in the vicinity
2. Primary and Overlay districts
3. Aerial photos
4. Project drawings (C-01 to C-12)
5. Computer generated comparisons of current and future views of the site
6. Excerpts from the application
7. Required permits
8. Photos of the site and surrounding buildings
9. Letters from neighborhood groups
10. Synopsis of the Policies and Plans in Above the Falls: A Master Plan for the Upper River in Minneapolis as Regards Xcel Energy's Riverside Repowering Project