

Department of Community Planning and Economic Development - Planning Division
Site Plan Review & Preliminary Plat
BZZ-4001 & PL-226

Date: May 12, 2008

Applicant: Impact Properties, Inc.

Address of Property: 4492½ - 4640 Lyndale Avenue North

Project Name: Impact Mailing

Contact Person and Phone: Steve Irwin – Pope Associates 651-642-9200

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

Date Application Deemed Complete: April 14, 2008

End of 60 Day Decision Period: June 13, 2008

Ward: 4 **Neighborhood Organization:** Lind-Bohanon

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

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 2

Legal Description: Not applicable for this application.

Existing/Proposed Use: Approximately 65,200 square foot addition to a warehouse/distribution facility

Concurrent Review:

Site Plan Review: For a 65,200 square foot building addition.

Preliminary Plat.

Applicable zoning code provisions: Chapter 530, Site Plan Review and Chapter 598, Subdivisions.

Background: The existing and proposed warehouse and distribution facility is a permitted use in the I2 Industrial District, but additions over 1,000 square feet are subject to site plan review. At the south end of the site the applicant proposes to demolish five buildings and construct an approximately 65,200 square foot addition to the existing Impact Mailing building at 4600 Lyndale Avenue North, for a total of approximately 174,500 square feet. At the north end of the site the applicant proposes to split part of the 4640 Lyndale Avenue North parcel and add it to the site for a truck access drive. This requires a subdivision and the applicant has elected to do a plat to reorganize the various parcels into two lots.

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As of the writing of this report, staff has not received any correspondence for the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

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 DESIGN:

- 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

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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 530.20 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 existing Impact Mailing building is setback from the property line with parking between the building and the street. The new addition will be setback with parking between the building and the street. Staff recommends granting alternative compliance to allow the building to be setback further than eight feet from the property line, as it is necessary to have the addition and parking align with the existing facility or the internal floor plan will be unworkable. Staff recommends that the applicant provide a decorative wrought iron type fence, between three and four feet high, as an amenity in lieu of the requirement that the building be located up to the property line and that will reinforce the street wall.

The area between the building and the property line will have parking, but it will also have landscaping.

The principal entrances for the existing building and new addition will both face Lyndale Avenue North.

The parking will be located between the building and the street. Staff recommends granting alternative compliance to allow parking in this location, as it is necessary to have the addition and parking align with the existing facility or the internal floor plan will be unworkable. Staff recommends that the applicant provide a decorative wrought iron type fence, between three and four feet high, as an amenity in lieu of the requirement that the parking be located behind the building and that will reinforce the street wall

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The building has architectural detail including recesses and projections, metal canopies, windows and entries, a varied roof line, and changes in materials and will be constructed with durable materials including concrete panels, metal, and glass. The rear and side walls will be compatible with the front of the building.

The building has blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements that exceed 25 feet, for part of the first floor of the south wall of the addition, parts of the rear wall facing the interstate, and along the north wall of the addition. Staff recommends alternative compliance as the areas where the walls are noncompliant are less visible by the public because of grade changes or the walls are not facing the public right-of-way directly. The façade facing Lyndale meets the requirements and the majority of the elevations facing the public pathway to the south and the interstate to the east meet the requirement.

The windows on the buildings meet the 30 percent requirement on the first floors facing a public street or pathway except for a portion of the south side. The elevations meet the 10 percent requirement for the second floor. The elevation facing Lyndale Avenue North has 35 percent on the first floor and 27 on the second floor. The elevation facing the south has 22 percent windows on the first floor and 25 on the second floor. Staff recommends alternative compliance for the first floor of the south side as it is impractical to have windows facing into the warehouse area and because the applicant has exceeded the window requirements in other areas.

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.

The structure has a flat roof similar to other structures in the area.

There are no parking garages proposed for the site.

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 buildings open onto the parking area at the front of the building. The entrances are not connected to the public sidewalk by walkways that are five feet in width, as there is not a public sidewalk on this part of Lyndale Avenue. Staff does not recommend granting alternative compliance for this standard and recommends that pathways from the public entrance to the public street be provided.

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 with the changes outlined in the PDR report (please see attached report).

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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.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence, a masonry wall, a hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The site plan shows 21 percent (43,168 square feet) landscaping. The lot area is 344,125 square feet (7.9 acres) and the footprint of the buildings is approximately 137,800 square feet. This leaves 206,325 square feet, of which 20 percent (41,265 square feet) is required to be landscaped.

The development is required to provide 82 trees and 413 shrubs. The site plan shows 22 trees and 190 shrubs. The landscaping plan shall show 413 shrubs on-site, which can be planted between the parking and the street on the west and the public path on the south. Staff recommends granting alternative compliance for the trees as it is not possible to provide 82 trees on the site that would be able to be placed in a reasonable layout and that would not interfere with the truck traffic. Staff recommends that an additional eight trees be plant along the Lyndale frontage parallel with the street and an additional six on the south side of the site for a total of 30 trees.

The plan does not show the required screening along the Lyndale Avenue North frontage and the south property line along the public path between the property line and the parking area. Staff does not recommend alternative compliance for this item. A seven-foot wide landscaped area with three-foot high 60 percent opaque screening shall be provided. No other screening is required on site.

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With the addition of the tree along the Lyndale Avenue frontage and a few other areas all parking spaces will be within 50 feet of a deciduous tree. Staff does not recommend alternative compliance from this standard and recommends that the site plan be amended to have all parking spaces within 50 feet of a deciduous tree.

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 except for around the retention area in the middle of the parking lot to facilitate drainage. There is some broken curbing on the existing parking lot that shall be repaired or replaced.

The buildings do 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. The site will have lighting and the landscaping will delineate the border between public and private space.

There are no historic structures on the site.

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: The use is a permitted use in the I2 Medium Industrial District.

Off-Street Parking and Loading: The zoning code requires one space per 300 square feet of gross floor area in excess of 4,000 square feet for the office use and one space per 3,000 square feet up to 30,000 square feet and one space per 5,000 square feet in excess of 30,000 for the light industrial space. At 19,560 square feet of office space and 127,932 square feet of light industrial space, this use is required to have 52 parking spaces for the office and 50 for the industrial for a total of 102 and 118 are provided. Five handicapped accessible spaces are required and six van accessible spaces are provided. Four large loading spaces are required and 15 are provided.

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Maximum Floor Area: The maximum FAR in the I2 District is 2.7. The lot in question is 344,125 square feet (7.9 acres) in area. The site contains approximately 147,500 square feet of gross floor area on the lot, an FAR of 0.43.

Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The proposed buildings is two stories, or 35 feet.

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: No specific development standards are applicable for this use.

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 facility is open to the public fro 8:00 a.m. to 5:00 p.m. Monday through Friday.

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 applicant has not finalized the sign plan at this time, but is aware that signs require zoning office approval and permits, and may require additional planning commission approvals.

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.

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(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.

MINNEAPOLIS PLAN:

While the majority of the frontage on this side of Lyndale Avenue North is zoned industrial, the area is not designated as a Industrial and Business park Opportunity Area in the comprehensive plan. *The Minneapolis Plan* shows this part of Lyndale Avenue North as a commercial corridor. The plan states that, “Commercial Corridors are streets that are available for development including more intensive commercial and high traffic activities. The buildings and structures on these streets are generally similar to traditional commercial storefronts and the siting and massing of new structures should respect this typology. These corridors must balance both pedestrian and automobile orientation in their design and development. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate.” The proposed site plan with the improvements and conditions of approval is in conformance with these policies of the Comprehensive Plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

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 and designates this area as the upper river. The plan states that “the city will follow the land use guidelines of *The Minneapolis Plan* except where modified by small area plans...” *The Minneapolis Plan* shows this area as a commercial corridor. The critical area plan states that “The Upper River is an area suited for new housing, industrial and office jobs, and an extended parkway system. Job-intensive light industries not located immediately on the riverfront would be appropriate in certain locations.” This site is in conformance with these policies.

This site is not in an Employment District as adopted in the *Industrial Land Use Study and Employment Policy Plan* adopted by the City Council November 3, 2006.

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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.**

Alternative compliance is necessary for the following items:

- Building location.

The existing Impact Mailing building is setback from the property line with parking between the building and the public right-of-way. The new addition will be setback with parking between the structure and the right-of-way. Staff recommends granting alternative compliance to allow the building to be setback further than eight feet from the property line, as it is necessary to have the addition and parking align with the existing facility or the internal floor plan will be unworkable. Staff recommends that the applicant provide a decorative wrought iron type fence, between three and four feet high, as an amenity in lieu of the requirement that the building be located up to the property line and that will reinforce the street wall.

- Parking lot location.

The parking will be located between the building and the public right-of-way. Staff recommends granting alternative compliance to allow parking in this location, as it is necessary to have the addition and parking align with the existing facility or the internal floor plan will be unworkable. Staff recommends that the applicant provide a decorative wrought iron type fence, between three and four feet high, as an amenity in lieu of the requirement that the parking be located behind the building and that will reinforce the street wall.

- Blank, uninterrupted walls.

The building has blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements that exceed 25 feet, for part of the first floor of the south wall of the addition, parts of the rear wall facing the interstate, and along the north wall of the addition. Staff recommends alternative compliance as the areas where the walls are noncompliant are less visible by the public because of grade changes or the walls not facing the

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public right-of-way directly. The façade facing Lyndale meets the requirements and the majority of the elevations facing the public pathway to the south and the interstate to the east meet the requirement.

- Window requirements.

The windows on the buildings meet the 30 percent requirement on the first floors facing a public street or pathway except for a portion of the south side. The elevations meet the 10 percent requirement for the second floor. The elevation facing Lyndale Avenue North has 35 percent on the first floor and 27 on the second floor. The elevation facing the south has 22 percent windows on the first floor and 25 on the second floor. Staff recommends alternative compliance for the first floor of the south side as it is impractical to have windows facing into the warehouse area and because the applicant has exceeded the window requirements in other areas.

- Pathways.

The entrances to the buildings open onto the parking area at the front of the building. The entrances are not connected to the public sidewalk by walkways that are five feet in width, as there is not a public sidewalk on this part of Lyndale Avenue. Staff does not recommend granting alternative compliance for this standard and recommends that pathways from the public entrance to the street be provided.

- Number of trees.

The development is required to provide 82 trees and 413 shrubs. The site plan shows 22 trees and 190 shrubs. The landscaping plan shall show 413 shrubs on-site, which can be planted between the parking and the street on the west and the public path on the south. Staff recommends granting alternative compliance for the trees as it is not possible to provide 82 trees on the site that would be able to be placed in a reasonable layout and that would not interfere with the truck traffic. Staff recommends that an additional eight trees be plant along the Lyndale frontage parallel with the street and an additional six on the south side of the site for a total of 30 trees.

- Parking lot screening.

The plan does not show the required screening along the Lyndale Avenue North frontage and the south property line along the public path between the property line and the parking area. Staff does not recommend alternative compliance for this item. A seven-foot wide landscaped area with three-foot high 60 percent opaque screening shall be provided.

- Parking within 50 feet of a deciduous tree.

With the addition of the tree along the Lyndale Avenue frontage and a few other areas all parking spaces will be within 50 feet of a deciduous tree. Staff does not recommend alternative compliance from this standard and recommends that the site plan be amended to have all parking spaces within 50 feet of a deciduous tree.

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PRELIMINARY PLAT

1. The subdivision is in conformance with the land subdivision regulations and the applicable regulations of the zoning ordinance and policies of the comprehensive plan.

The lots will be in conformance with the requirements of the zoning code and comprehensive plan.

The subdivision is in conformance with the design requirements of the land subdivision regulations except for Section 598.230 (4), which requires the provision of sidewalks within the right-of-way and Section 598.230 (5), which requires utility easements to be 5 feet wide on interior side lot lines and 10 feet on rear lot lines.

In order to be in conformance with the land subdivision regulations, a variance of Section 598.230 (5) is required to allow the elimination of drainage and utility easements on the interior and rear lot lines. While variances from the zoning code require a separate application, variances from the subdivision standards are done as a part of the subdivision application subject to the standards listed below.

598.310. Variances. Where the planning commission finds that hardships or practical difficulties may result from strict compliance with these regulations, or that the purposes of these regulations may be served to a greater extent by an alternative proposal, it may approve variances to any or all of the provisions of this chapter. In approving variances, the planning commission may require such conditions as it deems reasonable and necessary to secure substantially the objectives of the standards or requirements of these regulations. No variance shall be granted unless the planning commission makes the following findings:

- (1) There are special circumstances or conditions affecting the specific property such that the strict application of the provisions of this chapter would deprive the applicant of the reasonable use of land.
- (2) The granting of the variance will not be detrimental to the public welfare or injurious to other property in the area in which the property is located.

This plat is optional (the applicant could split the northerly parcel for the access drive with a minor subdivision). There is room along the right-of-way for a sidewalk, but there is not a sidewalk to the north of this site and there are several new trees planted in the right-of-way where the sidewalk would go as a part of an NRP program; therefore, it would be a hardship for the property owner to require a sidewalk in the right-of-way and it may be detrimental to the public welfare as it would require the loss of several trees. Staff recommends varying the sidewalk requirement as a part of the plat application; however, this does not mean that the city waives its right to require sidewalks in this area as apart of the site plan review process or a Public Work's work program or street reconstruction project.

The drainage and utility plans will not match with the required locations for drainage and utility easements along the side and rear lot lines and there is access from the parking and public streets, the easement requirement on the rear and interior lot lines is not necessary in this case, so staff recommends eliminating the easement requirement.

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

The proposed subdivision will create two lots out of six parcels. This will not be out of character with the area and will not add significant congestion to the public streets.

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

The development will require the approval of a final site, landscaping, drainage, and erosion control plans before permits may be issued and construction may commence.

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

The development will require the approval of a final site, landscaping, drainage, and erosion control plans before permits may be issued and construction may commence.

5. The subdivision makes adequate provision for stormwater runoff, and temporary and permanent erosion control in accordance with the rules, regulations and standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development will not exceed the amount occurring prior to development.

The development will require the approval of a final site, landscaping, drainage, and erosion control plans before permits may be issued and construction may commence.

RECOMMENDATIONS:

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 an approximately 65,200 square foot building addition for property located at 4492½ - 4640 Lyndale Avenue North subject to the following conditions:

1) Staff review and approve the site plan, lighting plan, landscaping plan, and building elevations before permits may be issued.

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- 2) All site improvements shall be completed by May 12, 2009, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Provision of a walkway not less than four feet wide from the front entrances to the street as required by Section 530.130 of the zoning code.
- 4) The site plan shall show at least 413 shrubs and 30 trees.
- 5) A seven-foot wide landscaped area with the required three-foot high 60 percent opaque screening shall be provided between the parking and Lyndale Avenue and the public pathway to the south as required by Section 530.170 of the zoning code.
- 6) All parking spaces shall be within 50 feet of an on-site deciduous tree as required by Section 530.170 of the zoning code.
- 7) Provision of a decorative wrought iron type fence, between three and four feet high, as an amenity in lieu of the requirement that the building be located within eight feet of the property line and that parking be located behind the building and that will reinforce the street wall.
- 8) All broken curbing in the parking area shall be repaired or replaced.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the preliminary plat application with variances for property located at 4492½ - 4640 Lyndale Avenue North subject to the following condition:

- 1) The final plat shall be submitted before building permits are issues and shall be approved before the addition is occupies and in service.

Attachments:

1. PDR Report
2. Statement from applicant.
3. Zoning map.
4. Site plan, floor plan, and elevations.
5. Photos and aerials.