

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Site Plan Review, and Preliminary Plat
BZZ-3204 & PL-203

Date: October 3, 2006

Applicant: John Robinson

Address of Property: 2400 Traffic Street NE

Project Name: Hennepin Yard.

Contact Person and Phone: Dan O'Mara – Rosewood Portfolio 651-631-1300

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

Date Application Deemed Complete: August 15, 2006

End of 60 Day Decision Period: October 14, 2006

Date Extension Letter Sent: September 20, 2006

End of 120 Day Decision Period: December 13, 2006

Ward: 1 **Neighborhood Organization:** Mid-City Industrial Area

Existing Zoning: I2 Medium Industrial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 16

Legal Description: Not applicable for this application.

Existing/Proposed Use: Train shed for storage of a historic rail car.

Concurrent Review:

Conditional Use Permit: For railroad right-of-way with a train shed (required in error and recommended to be returned to the applicant with the associated fee).

Site Plan Review: For a 11,000 square foot train shed/storage building.

Preliminary Plat. To replat two lots into two lots.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 530, Site Plan Review; and Chapter 598 Land Subdivision Regulations.

CPED Planning Division Report

BZZ-3204 & PL-203

Background: This item was continued from the September 18, 2006, meeting of the City Planning Commission for staff to clarify questions about the classification of the use.

John Robinson proposes to use this site, currently utilized as railroad right-of-way, for an 11,000 square foot train shed for the storage of a historic rail car that he owns and uses for travel. The Zoning Administrator had categorized this use as railroad right-of-way, a public service and utilities use, which requires a conditional use permit and site plan review. The zoning code defines railroad right-of-way as: “a strip of land with tracks and auxiliary facilities for track operation such as signals or crossing arms, but not including freight depots or stations, loading platforms, train sheds, warehouses, car or locomotive shops or car yards.” Staff erred in classifying this use as railroad right-of-way as the definition excludes train sheds.

Letters from attorneys representing abutting property owners claim that private garage for the storage of a rail road car is not allowed in the I2 Industrial District. It is the opinion of staff that while the use is not explicitly listed in the industrial land use table (Table 550-1), it is substantially similar to other uses in the industrial districts and therefore, is a permitted use in the I2 District.

Section 525.80, Substantially similar uses, of the zoning code states: “Whenever an application contains a use not included in the zoning ordinance, the zoning administrator shall issue a statement of clarification, finding that the use is either substantially similar in character and impact to a use regulated herein or that the use is not sufficiently similar to any other use regulated in the zoning ordinance. Such statement of clarification shall include findings that led to such conclusion and shall be filed in the office of the zoning administrator. If said use is not sufficiently similar to any other use regulated in the zoning ordinance, the use shall be prohibited.” The zoning administrator has issues a statement of clarification classifying this use as substantially similar to uses permitted in the I2 District (please see attached memo from the zoning administrator).

The conditional use permit was required in error and should be returned to the applicant with the associated fee. Site plan review is still required, because all new principal non-residential structures are subject to site plan review. The applicant is purchasing part of a larger parcel, so a plat is required to move the lot line between two lots. The site plan shows a future possible addition. This will require a site plan review modification before building permits may be issued. The site is in the Mid-City Industrial Area and is not represented by a neighborhood group.

CONDITIONAL USE PERMIT

The conditional use permit was required in error and should be returned to the applicant with the associated fee.

CPED Planning Division Report
BZZ-3204 & PL-203

SITE PLAN REVIEW

Required Findings for Site Plan Review

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

- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances and windows:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall 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

CPED Planning Division Report

BZZ-3204 & PL-203

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 building is not located with eight feet of the front lot line on East Hennepin. It would not be practical to locate the building this close to the property line as it would require train maneuvering in the public street to load and unload the rail car from storage. It would also hinder access to the rest of the site. Staff recommends granting alternative compliance to allow the building to be located at the west end of the site due to the impracticality of meeting this requirement.

The area between the building and the lot line does not provide amenities. The parking is located in front of the building. It is not possible to provide amenities between the building and the lot line and to locate parking to the rear of the building due to the location of the railroad tracks and the narrowness of the lot. Staff recommends granting alternative compliance.

The principal entrance faces east toward East Hennepin.

The building facades will contain architectural detail and will utilize metal and brick for exterior materials with windows on the upper part of the north side facade. The structure has a flat roof similar to other structures in the area.

Windows are only required on the east façade of the building. No windows are provided on this side of the building. This is the side that has the entrance door for the building, so it is not practical to provide them and staff recommends alternative compliance.

CPED Planning Division Report

BZZ-3204 & PL-203

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 that is setback from the public sidewalk. A walkway is impractical, but there will be a paved public drive from the front of the building to East Hennepin. Staff recommends alternative compliance to allow the drive to function as a walkway. There are no transit shelters on the site. Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable with the changes recommended in the PDR report. The applicant has designed the site to minimize curb cuts. There are no public alleys adjacent to the site. The applicant has made efforts to reduce impervious surfaces wherever possible.

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.

CPED Planning Division Report

BZZ-3204 & PL-203

The site plan shows no landscaping. The lot area is 41,211 square feet and the building footprint is approximately 11,000 square feet. This leaves 30,211 square feet, of which 20 percent (6,042 square feet) is required to be landscaped. The applicant has indicated that he is willing to provide landscaping, but did not provide a landscaping plan due to the industrial character of the area. Staff recommends that landscaping be provided along the south side of the parking lot visible from East Hennepin, which will require that the parking space be relocated to the north side of the parking lot. This landscaping area shall be five feet wide and shall run the entire length of the parking lot. This would provide approximately 170 square feet of landscaping or .5 percent. Staff recommends granting alternative compliance for the additional landscaping percentage as it is impractical to landscape along a railroad right of way.

The development is required to provide 12 trees and 60 shrubs. The applicant has not provided a landscape plan, so there are no trees or shrubs shown. Staff recommends alternative compliance for the number of trees and shrubs as it is impractical to provide trees along a railroad right-of-way, as they will interfere with train operations.

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 not provided for the surface parking area. Staff recommends that the parking and drives be designed to sheet drainage onto the site and if this is not possible for the parking area, then curbing shall be required along the south property line to prevent drainage from the parking lot from sheeting onto the neighboring property to the south.

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

The site has been designed to consider CPTED principals and the crime prevention specialist has recommended utilizing graffiti protection for the building.

CPED Planning Division Report

BZZ-3204 & PL-203

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 proposed use is a conditional use in the C1 Neighborhood Commercial and R5 Multiple-family Residential Districts.

Off-Street Parking and Loading: The zoning code requires that parking is “as determined by the conditional use permit” and specifically exempts this type of use from the minimum parking requirement of four spaces. Based on the information supplied by the applicant that in general the owner will be the only person at the site, staff has determined that one parking space is sufficient for this use. A future change in use will require a reevaluation of the parking requirement by staff. No loading space is required.

Maximum Floor Area: The maximum FAR in the I2 District is 2.7. The lot in question is 41,211 square feet in area. The applicant proposes approximately 11,000 square feet of gross floor area on the lot, an FAR of 0.27.

Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The building has a ground floor and a mezzanine, but is 3 stories or 39 feet 8 inches.

Minimum Lot Area: There is no minimum lot area in the I2 District for this use. Lot area is as determined by the conditional use permit. Staff has determined that there is adequate lot area for this use.

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

Specific Development Standards: No specific development standards are applicable for this project.

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 building is not open to the public.

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. No signs are proposed, but the applicant is aware that signs require zoning office approval and permits.

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

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

CPED Planning Division Report

BZZ-3204 & PL-203

otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

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

MINNEAPOLIS PLAN: Please see finding number five under the conditional use permit section of the staff report.

SMALL AREA PLANS ADOPTED BY COUNCIL: There are no small area plans adopted for this area.

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

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

CPED Planning Division Report

BZZ-3204 & PL-203

The building is not located with eight feet of the from lot line on East Hennepin. It would not be practical to locate the building this close to the property line as it would require train maneuvering in the public street to load and unload the rail car from storage. It would also hinder access to the rest of the site. Staff recommends granting alternative compliance to allow the building to be located at the west end of the site due to the impracticality of meeting this requirement.

The area between the building and the lot line does not provide amenities. The parking is located in front of the building. It is not possible to provide amenities between the building and the lot line and to locate parking to the rear of the building due to the location of the railroad tracks and the narrowness of the lot. Staff recommends granting alternative compliance to eliminate the amenities and to allow the parking lot location as proposed.

Windows are only required on the east façade of the building. No windows are provided on this side of the building. This is the side that has the entrance door for the building, so it is not practical to provide them and staff recommends alternative compliance to eliminate the window requirement on this side of the building.

The entrances to the buildings open onto the parking area that is setback from the public sidewalk. A walkway is impractical, but there will be a paved public drive from the front of the building to East Hennepin. Staff recommends alternative compliance to allow the drive to function as a walkway.

Staff recommends granting alternative compliance to reduce the required landscaping from 20 percent to a half-percent and for trees and the number of shrubs as it is impractical to landscape along a railroad right of way, as it will interfere with train operations.

PRELIMINARY PLAT

Required Findings for preliminary subdivision 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.

This subdivision will replat two lots into two lots to facilitate the sale of the proposed lot 2 to the applicant. Lot 1, to the east of the train shed building, will stay with the current owner. As discussed in the conditional use permit and site plan review sections of this staff report the lots will be in conformance with the regulations of the zoning code and the policies of the comprehensive plan. The proposed lots meet the requirements of the subdivision ordinance.

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 replat two lots into two lots. No new development is proposed beyond the train shed. This will not be out of character with the area and will not add significant congestion to the public streets.

CPED Planning Division Report
BZZ-3204 & PL-203

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, severe soil conditions, improper drainage, steep slopes, rock formations, utility easements, or other hazard.

The site does not present the above noted hazards.

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.

No significant change to the grading is proposed and access is existing.

5. The subdivision makes adequate provision for storm or surface water 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 does not exceed the amount occurring prior to development.

Existing utility and drainage provisions are adequate for the lots with the required Public Works conditions for the site plan review.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **return** the conditional use permit and associated fee for railroad right-of-way and a train shed for property located at 2400 Traffic Street NE.

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 a train shed building for property located at 2400 Traffic Street NE subject to the following conditions:

CPED Planning Division Report

BZZ-3204 & PL-203

- 1) Staff review and approve the site plan, lighting plan, landscaping plan, and elevations before building permits may be issued. All site improvements shall be completed by October 3, 2007, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) Provision of five-foot wide landscaping strips on the south side of the parking area. This landscaped area shall include a variety of shrubs and plants numbering at least 30 plants or shrubs.

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 for property located at 2400 Traffic Street NE.

Attachments:

1. Statement from applicant.
2. Zoning map.
3. Plat, site plans, and elevations.
4. Photos.