

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances and Site Plan Review
BZZ-3651

Date: July 30, 2007

Applicant: Midtown Eco Energy, LLC

Address of Property: 2850 20th Avenue South

Project Name: Midtown Eco Energy

Contact Person and Phone: Michael Krause, (612) 455-2177

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

Date Application Deemed Complete: July 2, 2007

End of 60-Day Decision Period: August 31, 2007

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

Ward: 9 **Neighborhood Organization:** East Phillips Improvement Coalition

Existing Zoning: I3, General Industrial District and the PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: Electricity generation plan

Concurrent Review:

Conditional use permit: for an electricity generation plant, hydroelectric or non-nuclear powered

Conditional use permit: to increase the height of the facility from the permitted four stories/56 feet to 10 stories/144 feet

Variance: to reduce the rear (west side) yard setback from the required 23 feet to 11 feet for the driveway

Variance: to reduce the south interior side yard setback from the required 23 feet to 19 feet for the wood receiving hopper and to zero feet for the driveway and a six-foot high fence

Variance: to reduce the number of required off-street parking spaces from 43 to 8

Variance: of the Pedestrian Oriented/Transit Station Area Overlay District standards:

The building is located more than eight feet from the front property line

The parking area is being constructed in between the building and the front property line

There are less than 40 percent windows on the building wall facing the street
The driveway is greater than 20 feet in width

Site plan review

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations”, Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guest of the use” and Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards...” and Chapter 530, Site Plan Review.

Background: The building, located at 2850 20th Avenue South, has historically been known as the South Side Destructor. The original use of this building was as a solid waste incinerator which was operational from 1939 until it closed in 1970. Currently, the building is being used as a solid waste transfer site and is operated by the City of Minneapolis. The applicant is proposing to convert the building into a 24 megawatt, wood biomass fuel, combined heat and power facility. The applicant has indicated that approximately 230,000 tons of clean urban wood waste will be burned per year. As a result, approximately 170,000 megawatt-hours of renewable electrical power will be produced. The electrical power will be distributed to local power users by Xcel Energy.

The facility will also have the capacity to provide district heating to buildings located within one-and-a-half miles of the site. The intention is that the hot water heating will be distributed through a series of pipes to both the Midtown Exchange and Abbott-Northwestern Hospital facilities located to the west of the site. The applicant has indicated that this feature of the facility will not be operational immediately.

The wood that will be used for this facility will come from a number of private contractors who will collect, process and transport the fuel to the site from remote locations. There will be up to 40 semi truck deliveries a day to the site. Truck deliveries will occur between 7 am and 11 pm, six days a week (not on Sundays).

Currently, there are two separate buildings located on the site. One is the original building that was constructed in 1939 and the other is a shed-like structure that was built in 1979. The shed-like building will be demolished as part of this development. As for the original building, the applicant is proposing to rehabilitate it and convert it into office space for the facility as well as the boiler area. In addition, new equipment such as an exhaust stack, wood silos, a cooling tower and conveyor equipment will be added to the site. The area where the shed is currently located will be converted to a landscaped yard and a parking area. The applicant has indicated that the front landscaped area is modeled after the original site layout.

Given the age of the facility and its proximity to the Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District the original building on the site was recommended as eligible for the National Register of Historic Places. Although the building was deemed eligible it has never been nationally or locally designated. Located to the south and west of the site is the Minneapolis Pioneers and Soldiers Memorial Cemetery which is listed on the National Register of Historic Places and is a

City of Minneapolis landmark. In initial meetings with the applicant it was discovered that the cemetery encroaches approximately 10 feet onto the applicant's site along the west property line. Please note that it is possible that there could be human remains located within this 10-foot area. Because of this the applicant has agreed to not do any work within the 10-foot area or remove the existing retaining wall or chain link fence that surrounds the perimeter of the cemetery.

CONDITIONAL USE PERMIT - for an electricity generation plant, hydroelectric or non-nuclear powered

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that an electricity generation plant, hydroelectric or non-nuclear powered, will be detrimental to or endanger the public health, safety, comfort or general welfare. Given the nature of the proposed use, it is subject to ongoing monitoring review by the Minnesota Pollution Control Agency (MPCA). The MPCA is the State of Minnesota organization responsible for reviewing the facilities overall environmental impacts.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that an electricity generation plant, hydroelectric or non-nuclear powered, would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The original use of the building was as a solid waste incinerator and is currently being used as a solid waste transfer site. The property is zoned I3, General Industrial District, and is located in the Seward/Hiawatha Industrial Employment District. There are industrial uses located on both the north and east sides of the site. Located to the south and west of the site is the Minneapolis Pioneers and Soldiers Memorial Cemetery which is listed on the National Register of Historic Places and is a City of Minneapolis landmark. These differing land uses have coexisted for approximately 70 years.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

The site is located along 20th Avenue South which dead ends at the north edge of the property. The site can only be accessed two ways; East 28th Street to 21st Avenue South to East 29th Street or Lake Street to 21st Avenue South to East 29th Street. Given the commercial/residential nature of Lake Street all truck traffic will be required to access the site via Hiawatha Avenue to the East 28th Street route. Once trucks arrive at the site they enter on the north end of the site, loop around the west side of the site and then exit on the south end of the site. For other vehicles, there is a parking lot located on the north end of the site that utilizes the same curb cut as the truck drive.

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

The parking requirement for an electricity generation plant, hydroelectric or non-nuclear powered, is as approved by the conditional use permit. However, it cannot be less than one space per 1,000 square feet of gross floor area up to 20,000 square feet plus one space per every 2,000 square feet of gross floor area in excess of 20,000 square feet. The building is 97,333 square feet in size. This requires a parking requirement of 59 spaces. However, the site is located in the PO Pedestrian Oriented Overlay District and within the Lake Street/Midtown LRT Station. Given this, the minimum off-street parking requirement for nonresidential uses shall be 75 percent of the number required by Chapter 541, Off-Street Parking and Loading. Seventy-five percent of 59 spaces yields a parking requirement of 44 spaces. In addition, the applicant is proposing to have a bicycle rack on the site which reduces the parking requirement by one additional space; so the parking requirement for this use is 43 spaces. The applicant is proposing to have eight parking spaces located on the site. The applicant has applied for a variance to reduce the parking requirement.

As for truck traffic, the applicant has indicated that there will be up to 40 semi truck deliveries a day to the site. Truck deliveries will occur between 7 am and 11 pm, six days a week (not on Sundays). The on-site truck drive will be able to accommodate up to seven trucks at one time so trucks should not have to utilize the public street while waiting to unload.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan*, this property is located in an area designated as general industrial as found on Map 9.8, Land Use Policy South Sector. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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 (Policy 7.1).
- Improve air quality and reduce noise by mitigating impacts and reducing sources for emissions or noise pollution (Implementation Step for Policy 7.1).
- Minneapolis will make buildings more efficient (Natural Ecology Policy 7.9).
- Promote the transition to cleaner alternative fuels (such as natural gas instead of coal and oil) and renewable fuels (hydro, wind, biomass and solar) (Implementation Step for Policy 7.9).
- Minneapolis will establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).
- Allow for a limited amount of heavy industrial uses where appropriate, but minimize negative impacts on their surroundings (Implementation Step for Policy 9.25).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

Electricity generation plant, hydroelectric and non-nuclear powered, are subject to specific development standards. The following lists the Specific Development Standards in the Zoning Code for electricity generation plant and describes how the Project conforms:

- (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.

The applicant has indicated that there are no natural or major topographical features located within 350 feet of the site. The applicant did indicate that the site is immediately adjacent to the Minneapolis Pioneers and Soldiers Memorial Cemetery which is listed on the National Register of Historic Places and is a City of Minneapolis landmark. As stated above, the cemetery encroaches approximately 10 feet onto the applicant's site along the west property line. Because of this the applicant has agreed to not do any work within the 10-foot area or remove the existing retaining wall or chain link fence that surrounds the perimeter of the cemetery.

The original use of the building was as a solid waste incinerator and is currently being used as a solid waste transfer site. The property is zoned I3, General Industrial District, and is located in the Seward/Hiawatha Industrial Employment District. There are industrial uses located on both the north and east sides of the site and the cemetery located on both the south and west sides of the site. These differing land uses have coexisted for approximately 70 years.

The site was tested for soil contamination. It has been determined that soil remediation will not be required for the proposed development. The applicant has indicated that the building itself contains large amounts of asbestos that will be removed as part of the site redevelopment. Given the nature of the proposed use, it is subject to ongoing monitoring review by the MPCA.

- (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.

Air quality will be controlled by implementation of the air quality plan and the state-issued air quality permits. A copy of the emission calculations report for the development is included in the report. The applicant has indicated that an air quality plan has been submitted to the MPCA and that a draft of the emissions permit is pending.

- (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.

The emission calculations report contains information on management of dust and fine particles. The report describes emission sources, activities and methods used to control dust and fine particles that are produced at the site. The Plan discusses the Nuisance Dust Ventilation System that will be used on site.

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

The applicant has indicated that all of the facilities systems that are likely to produce noise are located within the building and will not exceed the noise regulations. According to the applicant, the noisiest activity within the facility will be the wood-chipping operations for those pieces of wood fuel that are too large upon delivery. The process to chop up the wood will occur during normal business hours. The applicant has also indicated that they are working with the East Phillips Improvement Coalition to write a Good Neighbor Agreement that will address several issues including noise.

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

The applicant has indicated that there will be no significant vibrations created as part of this development.

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

The applicant's submission includes the following: "The existing site is a small, consisting of 1.63 acres with runoff draining in two primary directions (i.e., subwatersheds). For evaluation purposes, these are designated the East Subwatershed and the West Subwatershed. The site is predominantly impervious surfaces with approximately 33% of the runoff draining off the property overland to the east (East Subwatershed), 22% of the runoff draining to the sanitary sewer (East Subwatershed), and approximately 45% draining to a storm sewer located on the southwest corner of the site (West Subwatershed). The storm sewer drains to a storm sewer tunnel located approximately 33' south of the property. An undetermined area of vegetated cemetery drains onto the site, primarily to the West Subwatershed. There are no measures in place to restrict or reduce rates and volumes of runoff before they discharge from the site. Except for an in-line treatment device on the storm sewer (Storm Ceptor) in the West Subwatershed, there is no treatment for runoff before it discharges from the site. This device treats some total suspended solids (TSS) and oil.

The proposed East Subwatershed is reduced in size and thereby produces significantly less runoff. Additionally, roof runoff to the sanitary sewer will be eliminated. The proposed West Subwatershed incorporates best management practices (BMPs) such as native landscaping areas, rain gardens, green roofs, permeable paving, and in-line storm sewer treatment devices in order to clean and reduce runoff, and infiltrate stormwater on-site. Several of the BMPs are designed as a "treatment train." The roof of the building incorporates green roofing and drains via pipe to two interconnected rain gardens located in the front of the building. Parking stalls on the east side of the building within the West Subwatershed

are porous pavement with underdrain piping to the rain gardens. Other pavement areas drain to the rain gardens prior to Storm Ceptor pretreatment. Rain gardens discharge via storm sewer around to the west side of the building. Except for the heavy truck route and several small paved areas, the pavements are porous with underdrain piping to the storm sewer. Combined runoff from the rain gardens, and pervious and conventional pavements is piped through several catch basins and a reclaimed Storm Ceptor prior to discharging to the storm sewer tunnel located at the southwest corner of the site.

All lawn areas will be seeded with a no-mow fescue in order to slow water runoff to the rain gardens and help provide infiltration capacity. A native grass/wildflower mix helps retain slopes on the west side of the property. All trees and shrubs are native to Minnesota and reflect the historic 1930's landscape plan. Where feasible, green roofs will be utilized on the existing building as noted above. These are highlighted in the plan documents.

Currently, the entire site is covered by impervious surfaces; bituminous and concrete pavement, and buildings. The new project will add 0.57 acres of permeable area to the site making it 65% impervious instead of 100%. The above described BMPs will combine to reduce the overall runoff generated at the site by up to 30%”.

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

Please 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.

The applicant has indicated that there will be up to 40 semi truck deliveries a day to the site. Truck deliveries will occur between 7 am and 11 pm, six days a week (not on Sundays). The on-site truck drive will be able to accommodate up to seven trucks at one time so trucks should not have to utilize the public street while waiting to unload.

The site is located along 20th Avenue South which dead ends at the north edge of the property. The site can only be accessed two ways; East 28th Street to 21st Avenue South to East 29th Street or Lake Street to 21st Avenue South to East 29th Street. Given the commercial/residential nature of Lake Street all truck traffic will be required to access the site via Hiawatha Avenue to the East 28th Street route. Once trucks arrive at the site they enter on the north end of the site, loop around the west side of the site and then exit on the south end of the site. For other vehicles, there is a parking lot located on the north end of the site that utilizes the same curb cut as the truck drive.

CONDITIONAL USE PERMIT - to increase the height of the facility from the permitted four stories/56 feet to 10 stories/144 feet

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The development will require the construction of a new exhaust stack that is approximately 144 feet tall and two silos that are both approximately 90 feet tall. Located on top of the two silos is the head house for the conveyor system which increases the height of this portion of the facility to approximately 115 feet. All of these features will exceed the maximum allowed structure height in the I3, General Industrial District, of four stories or 56 feet, whichever is greater.

The proposed stack, the tallest feature of the development, will be approximately 36 feet shorter than the existing stack which is approximately 180 feet tall. According to the applicant, the existing stack is deteriorating and needs to be removed. Also note that the existing building is 64 feet in height which is taller than the zoning code regulations allow.

The Planning Division does not believe that increasing the height of the building from four stories/56 feet to 10 stories/144 feet would be detrimental to or endanger the public health, safety, comfort or general welfare. Overall, the height of the facility will be 36 feet lower than the existing facility.

2. The conditional use will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that increasing the height of the building from two-and-a-half-stories/35 feet to 10 stories/144 feet would be injurious to the use and enjoyment of other property in the area. Although the site is located on the edge of an industrial area it is separated from the commercial and residential uses to the south and west by the cemetery. The cemetery is over four city blocks in size and full of mature trees. Although this land feature will not screen the taller portions of the proposed facility from uses located in the far off distance it will help screen the facility from uses in the immediate area.

As it was mentioned above, the height of the new development will be 36 feet shorter than the existing facility. Although the silos are larger in mass than the existing exhaust stack, they are only 50 feet in diameter and located close to the side of the existing building.

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

Increasing the height of the building will have no impact on utilities, access roads or drainage.

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

Increasing the height of the building will have no impact on traffic congestion in the public streets.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan*, this property is located in an area designated as general industrial as found on Map 9.8, Land Use Policy South Sector. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.16).
- Encourage the design of all new buildings to fulfill light, privacy and view requirements for the subject building as well as for adjacent buildings (Implementation Step for Policy 9.16).
- Promote the preservation and enhancement of view corridors that focus attention on natural or built features, such as the downtown skyline, landmark buildings, significant open spaces or water bodies (Implementation Step for Policy 9.16).
- Minneapolis will establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

In addition to the conditional use permit standards, the 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.

Increasing the height of the proposed building will have an impact on the amount of light and air that surrounding properties receive. The properties that will be impacted by the height increase include a parking lot to the east, the back of an industrial building to the north and a cemetery to the west.

2. Shadowing of residential properties or significant public spaces.

There are no residential properties near this site that will be impacted if the height of the proposed building is increased. However, increasing the height of the building will produce longer shadows on the cemetery that is located directly west of the site. Although shadowing of the cemetery will occur the Planning Division does not believe that the length of the shadowing will be significant given the location of the taller portions of the building.

3. The scale and character of surrounding uses.

The scale of the buildings in the surrounding area range in height from one-story buildings to four-story buildings. The industrial uses to the north of the site contain unique design features such as conveyor systems, stacks and water towers; all of which are taller than the buildings they are attached to. In

addition, there are taller utility poles located along Hiawatha Avenue which is located to the east of the site.

The original use of the building was as a solid waste incinerator and is currently being used as a solid waste transfer site. There are industrial uses located on both the north and east sides of the site. Located to the south and west of the site is the Minneapolis Pioneers and Soldiers Memorial Cemetery. These differing land uses have coexisted for approximately 70 years.

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

Increasing the height of the proposed building will not impact views of landmark buildings or water bodies as none exist in the immediate area. Although the site is located immediately adjacent to the cemetery, the Planning Division does not believe that increasing the height of the building will hinder views of it from those properties to the north or east given the size of the buildings on those sites.

VARIANCE - to reduce the rear (west side) yard setback from the required 23 feet to 11 feet for the driveway

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Rear (west) yard setback: The applicant is seeking a variance to reduce the rear (west side) yard setback from the required 23 feet to 11 feet for the driveway. The applicant has indicated that in order to be able to maneuver semi trucks around the site that the driveway needed to be moved closer to the outside property lines in order to make the turns. The applicant has also indicated that because 20th Avenue South dead ends at the north edge of the site that trucks have to utilize the site for maneuvering as they cannot turn around in the street. Please note that the area where the driveway is proposed to be located is currently paved or is being used as an outdoor storage area.

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.

Rear (west) yard setback: The Planning Division believes that the circumstances are unique to warrant the granting of the variance. Because the site has been used as an industrial property for approximately 70 years, it is reasonable to expect that the applicant would want to be able to accommodate semi trucks on the site.

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.

Rear (west) yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would not alter the essential character of the area given that the area where the driveway is proposed to be located is currently paved or is being used as an outdoor storage area. If anything, the site will look more orderly after the development project is complete as the driveway will be defined along the entire western edge; not just the southern portion of the property boundary as it is today.

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.

Rear (west) yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the south interior side yard setback from the required 23 feet to 19 feet for the wood receiving hopper and to zero feet for the driveway and a six-foot high fence

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

South interior side yard setback: The applicant is seeking a variance to reduce the south interior side yard setback from the required 23 feet to 19 feet for the wood receiving hopper. The applicant has indicated that in order to provide enough room between the two wood hoppers that one had to be located closer to the south property line. The wood hoppers could not be moved further north as the original building is being kept on the site.

The applicant is seeking a variance to reduce the south interior side yard setback from the required 23 feet to zero feet for the driveway. The applicant has indicated that in order to be able to maneuver semi trucks around the site that the driveway needed to be moved closer to the outside property lines in order to make the turns. The applicant has also indicated that because 20th Avenue South dead ends at the north edge of the site that trucks have to utilize the site for maneuvering as they cannot turn around in the street. Please note that the area where the driveway is proposed to be located is currently paved and being used as a driveway.

The applicant is seeking a variance to reduce the south interior side yard setback from the required 23 feet to zero feet for a six-foot high fence. The applicant has indicated that in order to properly enclose the site the existing six-foot high chain link fence that runs along the east property line will be removed and replaced with a six-foot high ornamental metal fence. The applicant intends on locating the proposed fence perpendicular to the six-foot high chain link fence that runs along the north property line of the cemetery.

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.

South interior side yard setback: The Planning Division believes that the circumstances are unique to warrant the granting of the variance as the existing building is located in the middle of the property and is not being removed as part of this redevelopment project.

As for the driveway, the Planning Division believes that the circumstances are unique to warrant the granting of the variance. Because the site has been used as an industrial property for approximately 70 years, it is reasonable to expect that the applicant would want to be able to accommodate semi trucks on the site.

As for the fence, the Planning Division believes that the circumstances are unique to warrant the granting of the variance. The applicant is proposing to remove an existing six-foot high chain link fence and replace it with a six-foot high ornamental fence.

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.

South interior side yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. The Planning Division believes that the granting of this variance would not alter the essential character of the area given that the area where the wood hopper, driveway and fence are proposed to be located is currently paved and being used partially as a driveway and partially as an outdoor storage area. In addition, the proposed ornamental fence will replace the existing chain link fence with barbed wire on top of it in approximately the same location.

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.

South interior side yard setback: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed setback variance be detrimental to welfare or public safety.

VARIANCE - to reduce the number of required off-street parking spaces from 43 to 8

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Parking space reduction: The applicant is seeking a variance to reduce the number of required off-street parking spaces from 43 to eight. The parking requirement for an electricity generation plant, hydroelectric or non-nuclear powered, is based on the size of the facility. The applicant has indicated that basing the parking requirement on the size of the facility in this case is not appropriate given that the majority of the building is occupied by equipment or is equipment (i.e., wood silos) itself. In addition, the applicant has indicated that the total number of employees working at the facility will be 20 individuals spread out over three shifts and that the maximum number of employees at any one time would be eight.

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.

Parking space reduction: The fact that the majority of the building's gross floor area is either equipment (i.e., wood silos) or is occupied by equipment is a unique condition of this parcel of land.

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.

Parking space reduction : The zoning code authorizes a variance to reduce the applicable off-street parking requirement up to 100 percent provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guests of the use. The site is located less than one block from the Midtown Greenway and within blocks of Lake Street, Cedar Avenue and Hiawatha Avenue. Both Lake Street and Cedar Avenue have bus service on them and Hiawatha Avenue is serviced by Light Rail Transit.

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.

Parking space reduction: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed parking space reduction variance be detrimental to welfare or public safety.

VARIANCE - of the Pedestrian Oriented/Transit Station Area Overlay District standards

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Of the Pedestrian Oriented/Transit Station Area Overlay District standards: The applicant is seeking a variance of the PO Pedestrian Oriented/Transit Station Area (PO/TSA) Overlay District standards. Specifically, the applicant is seeking a variance of the following standards:

- The building is located more than eight feet from the front property line
- The parking area is being constructed in between the building and the front property line
- There are less than 40 percent windows on the building wall facing the street
- The driveway is greater than 20 feet in width

Currently, all of these conditions exist on the site. The original building, built in 1939, is located 81 feet from the front property line. The shed-like structure that was added to the site in 1979 is located between the original building and the front property line. It is setback 11 feet from the front property line. Since the applicant is proposing to remove the shed-like structure the property is becoming more nonconforming as to the requirements of the PO/TSA Overlay District. The applicant has indicated that as part of the national designation of the Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District the original building on the site was recommended as eligible for the National Register of Historic Places. Given this, it was important to the applicant's to reuse the original building on the site instead of demolishing it.

The parking area is currently located between the shed-like structure and the street. In fact, given the layout of the site a portion of the vehicles that park in the lot are actually parking in the right-of-way. Once the site is redeveloped the parking area will be shifted to the northeast corner of the site; none of which will be located in the right-of-way. The applicant has indicated that given the placement of the original building on the site and the additional equipment that has to be added to the site that the parking area could not be accommodated on the back side of the property without interfering with the operations of the proposed use.

As for the window percentages, there is currently less than 40 percent openings on the first floor of the building. However, because the applicant will be demolishing a portion of the building that contains windows facing the street the property is becoming more nonconforming as to the requirements of the PO/TSA Overlay District. Please note however that the existing building was constructed with a garden level including windows. Given the location of the garden level windows they would not satisfy the window requirement. In addition, because the bottom of the windows along the first floor of the building are located more than four feet above grade they would not satisfy the window requirement either.

And as for the width of the curb cut, currently the entire front property line functions as a curb cut as there is no curb and gutter located along the west side of 20th Avenue South. As part of the redevelopment of the site the applicant will be adding curb and gutter in those areas along the west side of 20th Avenue South that are not needed for truck maneuvering. The driveway for the parking lot will also be used as the semi-truck access point. Given this the curb cut needs to be wider than 20 feet in order to accommodate the turning movements of the larger trucks.

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.

Of the Pedestrian Oriented/Transit Station Area Overlay District standards: The Planning Division believes that for all of the reasons listed in finding number one above that this site is unique and that the granting of the variance is warranted.

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.

Of the Pedestrian Oriented/Transit Station Area Overlay District standards: The purpose of the PO Pedestrian Oriented Overlay District is to “preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses”. The original use of the building was as a solid waste incinerator and is currently being used as a solid waste transfer site. The property is zoned I3, General Industrial District, and is located in the Seward/Hiawatha Industrial Employment District. There are industrial uses located on both the north and east sides of the site. Located to the south and west of the site is the Minneapolis Pioneers and Soldiers Memorial Cemetery. The site is also located at the end of a dead end road. Given all of this there is not a lot of pedestrian activity taking place at the site now nor will there be once the proposed use is operational. The Planning Division believes that 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 area.

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.

Of the Pedestrian Oriented/Transit Station Area Overlay District standards: The Planning Division believes that the granting of the variance would have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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 on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:
 - Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:
 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.

- c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
- d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
- e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
- **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**
- **Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**
- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

PLANNING DEPARTMENT RESPONSE:

- The building does not reinforce the street wall as it is set back 81 feet from the front property line. However, the building is existing and will be restored as part of the redevelopment project. The site does facilitate pedestrian access as there will be a new walkway constructed between the street and the principal entrance and it maximizes natural surveillance as there are windows along the front side of the building where people can see in and out.
- The zoning code requires that the building be located within eight feet of the property line except where a greater yard is required by the zoning ordinance. In this case the building is setback 81 feet from the front property line but again, this is an existing condition of the property.
- The area in between the building and the front property line will contain rain gardens, landscaping and a small parking area.
- The principal entrance to the building is oriented towards 20th Avenue South.
- All of the on-site parking associated with this development is located in a small surface parking lot on the northeast corner of the property. Alternative compliance will be required because the parking lot is located between the building and the front property line.
- The exterior material of the existing building is brick with stone accents. New equipment such as an exhaust stack, wood silos, a cooling tower and conveyor equipment will be added to the site. These elements will be made out of concrete and steel. Although the materials of the new elements will be different than the existing building, the Planning Division believes that they will compliment one another. In addition, by constructing the new elements out of a different material the original building will stand out on the site.
- There are no areas of the existing building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. The new elements that are being

added to the site have surfaces that are over 25 feet in length and blank. Alternative compliance will be required because there are portions of the building that are over 25 feet in length and blank.

- Because the site is located in the PO Pedestrian Oriented Overlay District, the percentage of windows that is required along the first floor of the building facing the street is higher than what is normally required by Site Plan Review. At least 40 percent of the first floor and at least 10 percent of the upper floors of the 20th Avenue South side of the building are required to be windows. The existing building was constructed with a garden level including windows. Given the location of the garden level windows they would not satisfy the window requirement. In addition, because the bottom of the windows along the first floor of the building are located more than four feet above grade they would not satisfy the window requirement either. In total, 17 percent of the garden level and first floor of the building is windows. The upper level of the building has more than 10 percent windows.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building is flat. Flat roofed buildings can be found throughout the neighborhood.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrance to the building will be connected to the public right-of-way via a new walkway. In addition, the parking area will be connected to both the public right-of-way and the principal entrance via a series of new walkways.
- No transit shelters are proposed as part of this development.
- The site is located along 20th Avenue South which dead ends at the north edge of the property. The site can only be accessed two ways; East 28th Street to 21st Avenue South to East 29th Street or Lake Street to 21st Avenue South to East 29th Street. Given the commercial/residential nature of Lake Street all truck traffic will be required to access the site via Hiawatha Avenue to the East 28th Street route. Once trucks arrive at the site they enter on the north end of the site, loop around the west side of the site and then exit on the south end of the site. For other vehicles, there is a parking lot located on the north end of the site that utilizes the same curb cut as the truck drive.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the I3 zoning district. Currently, there is no landscaping on the site. After the reconstruction project is complete the applicant has indicated that there will be 7,300 square feet of green space on the site.

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 plant, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 70,946 square feet. The footprint of the building 19,520 square feet. When you subtract the footprint from the lot size the resulting number is 51,426 square feet. Twenty percent of this number is 10,283 square feet. According to the applicant's landscaping plan there is 7,300 square feet of landscaping on the site or approximately 14 percent of the site not occupied by the building. Alternative compliance will be required because less than 20 percent of the site is landscaped.**
- **The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 21 and 103 respectfully. The applicant is proposing to have 11 evergreen trees, six canopy trees, 15 shrubs and 40 perennials located on the site. In addition, 3,635 square feet of the site will be dedicated to two rain gardens and an additional 425 square feet of the**

site will be occupied by native grasses and wildflowers. Alternative compliance will be required as the tree and shrub requirement is not being met.

- To properly enclose the site, the applicant is proposing to install a six foot high ornamental metal fence along the east end of the driveway heading into the site and out of the site.

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.**

PLANNING DEPARTMENT RESPONSE:

- The stormwater runoff from the parking lot will be trench drained to the rain garden area on the site.
- This building should not block views of important elements in the city.
- This building will cast shadows on the cemetery that is located directly west of the site. Although shadowing of the cemetery will occur the Planning Division does not believe that the length of the shadowing will be significant given the location of the taller portions of the building.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the principal entrance and the parking area will be connected to the public right-of-way and to one another via a series of new walkways, there are windows along the front side of the building where people can see in and out and there will be lights located throughout the site for security purposes.
- Given the age of the facility and its proximity to the Chicago, Milwaukee and St. Paul Railroad Grade Separation Historic District the original building on the site was recommended as eligible for the National Register of Historic Places. Although the building was deemed eligible it has never been nationally or locally designated.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE:

- **Use:** Electricity generation plant, hydroelectric or non-nuclear powered, require a conditional use permit in the I3 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for an electricity generation plant, hydroelectric or non-nuclear powered, is as approved by the conditional use permit. However, it cannot be less than one space per 1,000 square feet of gross floor area up to 20,000 square feet plus one space per every 2,000 square feet of gross floor area in excess of 20,000 square feet. The building is 97,333 square feet in size. This requires a parking requirement of 59 spaces. However, the site is located in the PO Pedestrian Oriented Overlay District and within the Lake Street/Midtown LRT Station. Given this, the minimum off-street parking requirement for nonresidential uses shall be 75 percent of the number required by Chapter 541, Off-Street Parking and Loading. Seventy-five percent of 59 spaces yields a parking requirement of 44 spaces. In addition, the applicant is proposing to have a bicycle rack on the site which reduces the parking requirement by one additional space; so the parking requirement for this use is 43 spaces. The applicant is proposing to have eight parking spaces located on the site. The applicant has applied for a variance to reduce the parking requirement.

As for truck traffic, the applicant has indicated that there will be up to 40 semi truck deliveries a day to the site. Truck deliveries will occur between 7 am and 11 pm, six days a week (not on Sundays). The on-site truck drive will be able to accommodate up to seven trucks at one time so trucks should not have to utilize the public street while waiting to unload.

- **Maximum Floor Area:** The maximum FAR in the I3 zoning district is 2.7. In the PO/TSA Overlay District the minimum FAR is 1.0. The lot in question is 70,946 square feet in area. The applicant proposes a total of 97,333 square feet of gross floor area, an FAR of 1.37.
- **Building Height:** Building height in the I3 zoning district is limited to four stories or 56 feet. The applicant is proposing to construct a building that is 10 stories/144 feet in height. The applicant has applied for a conditional use permit to increase the height of the building.
- **Minimum Lot Area:** The minimum lot area for an electricity generation plant, hydroelectric or non-nuclear powered, in the I3 zoning district is as approved by conditional use permit. The Planning Division believes that the current lot size of 70,946 square feet is an acceptable size for the proposed use.
- **Dwelling Units per Acre:** Not applicable for this application.
- **Yard Requirements:** The front yard and the north interior side yard setback requirements are zero feet. Because the south interior side yard and the rear (west side) yard property lines abut property that is zoned residential the setback requirement is $5+2x$, where x equals the number of stories above the first floor. With a 10 story building the setback requirement is 23 feet.

- **Specific Development Standards:** See the conditional use permit, for the use, section above.
- **Hours of Operation:** In the I3 zoning district the hours of operation that the use can be open to the public are Sunday through Thursday 6 am to 10 pm and Friday and Saturday 6 am to 11 pm. The applicant has indicated that the use is operational 24 hours a day but not open to the public.
- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the I3 zoning district one can have 1.5 square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot. If there is a freestanding sign on the lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 16 square feet in size. The maximum height of any sign is 24 feet. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have any freestanding signs on the site. The only sign that the applicant is showing on the plans is the existing sign located over the principal entrance that reads “South Side Destructor”.

- **Refuse storage:** The applicant is proposing to locate a trash receptacle near the southeast corner of the building. The trash receptacle will be located inside of the proposed six-foot high ornamental metal fence.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

According to *The Minneapolis Plan*, this property is located in an area designated as general industrial as found on Map 9.8, Land Use Policy South Sector. According to the Principles and Policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Continue to preserve the natural ecology and the historical features that define its unique identity in the region (Policy 9.2).
- Promote preservation as a tool for economic development and community revitalization (Policy 9.4).
- Work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment (Policy 9.6).
- Establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings. (Policy 9.25).

The Planning Division believes that the proposed development is in conformance with the policies of *The Minneapolis Plan*.

ALTERNATIVE COMPLIANCE:

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

PLANNING DEPARTMENT RESPONSE:

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

- **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:**
Alternative compliance is required because the parking lot is located between the building and the front property line. The parking area is currently located between the shed-like structure and the street. Once the site is redeveloped the parking area will be shifted to the northeast corner of the site; none of which will be located in the right-of-way. The applicant has indicated that given the placement of the original building on the site and the additional equipment that has to be added to the site that the parking area could not be accommodated on the back side of the property without interfering with the operations of the proposed use. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the parking area to be located between the building and the front property line.
- **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:**
Alternative compliance is required because there are portions of the building that are over 25 feet in length and blank. There are no areas of the existing building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. It is the new elements that are being added to the site have surfaces that are over 25 feet in length and blank. The new elements include an exhaust stack, wood silos, a cooling tower and conveyor equipment. Given the nature of these elements the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow portions of the building to be over 25 feet in length and blank.
- **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).**
Alternative compliance is required because less than 20 percent of the site is landscaped and because the tree and shrub requirement is not being met. Currently there is no landscaping on the site. Once

the reconstruction of the site is complete 16 percent of the site will be landscaped. Given the nature of the use and the need to accommodate upwards of 40 semi trucks on the site every day a large area of the site is needed for truck maneuvering. Given this, the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 20 percent landscaping on the site. In addition, the tree and shrub requirement for this site is 21 and 103 respectfully. The applicant is proposing to have 11 evergreen trees, six canopy trees, 15 shrubs and 40 perennials located on the site. In addition, 3,635 square feet of the site will be dedicated to two rain gardens and an additional 425 square feet of the site will be occupied by native grasses and wildflowers. Given that the applicant is utilizing a large amount of the site for stormwater runoff control the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow there to be less than the required number of canopy trees and shrubs on the site.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for an electricity generation plant, hydroelectric or non-nuclear powered, located at 2850 20th Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to increase the height of the facility from the permitted four stories/56 feet to 10 stories/144 feet located at 2850 20th Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

Department of Community Planning and Economic Development – Planning Division
BZZ-3651

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the rear (west side) yard setback from the required 23 feet to 11 feet for the driveway located at 2850 20th Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the south interior side yard setback from the required 23 feet to 19 feet for the wood receiving hopper and to zero feet for the driveway and a six-foot high fence located at 2850 20th Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the corner side yard setback along Clifton Place from the required 15 feet to a distance ranging between 15 feet and zero feet for patios, staircases, an accessible ramp and a trash enclosure located at 2850 20th Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the number of required off-street parking spaces from 43 to 8 located at 2850 20th Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the Pedestrian Oriented/Transit Station Area Overlay District standards located at 2850 20th Avenue South.

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

Department of Community Planning and Economic Development – Planning Division
BZZ-3651

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 for the property located at 2850 20th Avenue South subject to the following conditions:

1. Approval of the final site, landscaping, lighting and elevation plans by the Community Planning and Economic Development Department – Planning Division.
2. All site improvements shall be completed by July 30, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use
2. Conditional use permit and variance findings
3. Written response about the Specific Development Standards
4. Preliminary Development Review report from 5-2-07 meeting
5. June 15, 2007, letter to the MN State Archeologist from Carol Ahlgren regarding the Minneapolis Pioneers and Soldiers Memorial Cemetery
6. E-mail correspondence regarding the Minneapolis Pioneers and Soldiers Memorial Cemetery
7. June 29, 2007, and June 14, 2007, letter to Council Member Schiff and Goodman and the East Phillips Improvement Coalition
8. Zoning Map
9. Overlay District Map
10. Civil plans, site plan, landscaping plans, floor plans and elevations
11. Photographs of the site and surrounding area