

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permit, and Site Plan Review
BZZ-5022

Date: December 13, 2010

Applicant: Gacek Family Partnership

Address of Property: 1712 and 1712½ Broadway Street NE

Project Name: Recycle America (Waste Management)

Contact Person and Phone: John Thompson – Equity Transwestern, LLC 651-481-8070

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

Date Application Deemed Complete: November 10, 2010

End of 60 Day Decision Period: January 9, 2011

Date Extension Letter Sent: November 30, 2010

End of 120 Day Decision Period: March 10, 2011

Ward: 1 Neighborhood Organization: Mid-City Industrial Area (no neighborhood group)

Existing Zoning: I1 Light Industrial District.

Proposed Zoning: I2 Medium Industrial District

Zoning Plate Number: 10

Legal Description: That part of the Northwest Quarter of the Southeast Quarter of Section 13, Township 29, Range 24, described as follows: Beginning at the intersection of the Northwesterly right-of-way line of Burlington Northern, Inc. with the South line of the North 33.0 feet of said Northwest Quarter of the Southeast Quarter; thence West along said South line a distance of 250.0 feet; thence South at right angles a distance of 260.16 feet, more or less, to the Northwesterly right-of-way line of Burlington Northern, Inc.; thence Northeasterly, Southeasterly, and Northeasterly along said Northwesterly right-of way line to the point of beginning;

and

That part of the Northwest Quarter of the Southeast Quarter of Section 13, Township 29, Range 24, described as commencing at a point 33 feet South and 343 feet East of the Northwest corner of said Northwest Quarter of the Southeast Quarter; thence North 89 degrees 35 minutes 08 seconds East, on an assumed bearing, along a line 33 feet South of and parallel with the North line of said Northwest Quarter

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of the Southeast Quarter, a distance of 66.29 feet to the actual point of beginning of the land to be described; thence continuing North 89 degrees 35 minutes 08 seconds East, along a line 33 feet South of and parallel with the North line of said Northwest Quarter of the Southeast Quarter, a distance of 263.69 feet to a point thereon distant 250.00 feet West of its intersection with the Northwesterly right-of-way line of Burlington Northern, Inc.; thence South at a right angle a distance of 260.16 feet, more or less, to the Northwesterly right-of-way line of Burlington Northern, Inc.; thence Northeasterly and Southeasterly along said Northwesterly right-of-way line to a point on the Northwesterly line of the Burlington Northern, Inc. right-of-way, originally the Minneapolis and Duluth Railway right-of-way, distance 520 feet Northeasterly from the original Northeasterly right-of-way of the Northern Pacific Railway Company; thence South 35 degrees 51 minutes 50 seconds West, along said Northwesterly right-of-way line of Burlington Northern, Inc. a distance of 61.02 feet; thence Southwesterly along a nontangential curve concave to the Northwest, having a radius of 496.14 feet, a chord bearing of South 61 degrees 50 minutes 03 seconds, an arc length of 369.74 feet to a point on a line bearing South 0 degrees 24 minutes 52 seconds East and distant 432.51 feet from the point of beginning; thence North 0 degrees 24 minutes 52 seconds West a distance of 432.51 feet to the point of beginning together with appurtenant easement contained in document No. 5043535.

Proposed Use: Recycling facility.

Concurrent Review:

Rezoning: Rezoning from the I1 Light Industrial District to the I2 Medium Industrial District.

Conditional Use Permit: To allow a recycling facility.

Site Plan Review: For a recycling facility.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Article VII Conditional Use Permits; and Chapter 530, Site Plan Review.

Background: The applicant proposes to remodel and add four loading docks to an existing office and warehouse building at 1712 and 1712½ Broadway Street NE (some city records list the property as 1700 Broadway Street NE) for appliance recycling. The zoning ordinance classifies this use as a recycling facility. A recycling facility is first allowed in the I2 Medium Industrial District, so the applicant is requesting a rezoning from the I1 Light Industrial District to the I2 Medium Industrial District. A recycling facility requires a conditional use permit and site plan review as well. The building was built in 1986, and was used by Diversified Graphics, a commercial printing company.

There is no official neighborhood group for the Mid-City Industrial Area.

REZONING (from I1 Light Industrial District to the I2 Medium Industrial District)

Findings As Required By The Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan for Sustainable Growth designates the area east of I-35W along Broadway Street NE as industrial. The plan states that the industrial land use category includes areas suited for industrial development and limited supporting commercial uses. It is generally found within Industrial

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Employment Districts, and has a high level of policy protection for industrial uses with an emphasis on job retention and creation. Industrial uses have primacy over other uses in industrial areas.

The comprehensive plan also states that “in addition to the future land use map, the comprehensive plan incorporates by reference land use recommendations from a number of small area plans that cover various sub-sectors of the city. These plans should be consulted for applicable areas when making development decisions, as they provide more detailed guidance.” The *Industrial Land Use* study was adopted by the City Council on November 3, 2006, and shows this site as part of an Employment District (District 7 – Mid-City Industrial Area), which are areas designated for continued industrial use.

The comprehensive plan has the following language regarding Industrial Employment Districts:

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.1 Develop regulations for the Industrial Employment Districts that promote compatible industrial development and the efficient use of land.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

1.14.3 Restrict the development and expansion of non-industrial uses within designated Industrial Employment Districts, limiting non-industrial uses to the types of uses and locations designated in the Industrial Land Use and Employment Plan.

1.14.4 Strongly discourage new residential uses in Industrial Employment Districts.

1.14.5 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

The I2 Medium Industrial District allows a range of more intensive industrial uses that have a greater potential to produce noise, odor, vibration, and glare than light industrial uses, including the processing of raw materials, the production of primary materials, contractor’s yards, recycling facilities, motor freight terminals, motor vehicle storage yards, and waster haulers. While the proposed use will be located entirely within the building and will not operate 24-hours, the zoning district, once approved, could allow more intensive uses. Not all land in industrial employment districts is suitable for the I2 Medium Industrial District and staff has some concern over expanding the I2 zoning district along a major corridor; however, this site is adjacent to existing I2 zoning, is within a larger industrial area, is not adjacent to residential uses, is on a general truck route, and is in an industrial employment district.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning will allow for the establishment of a recycling facility that is not allowed under the existing I1 Light Industrial District. This is in the interest of the property owners.

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- 3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.**

The area is made up of office, commercial, and industrial uses zoned I1 Light Industrial to the north and west and I2 Medium Industrial to the south and east. There is a recycling facility adjacent to the site to the south. Most of the uses fronting on Broadway Street NE, in the immediate area, are office or commercial uses.

- 4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.**

The I1 Light Industrial District allows a range of office, commercial, and industrial uses, which would be a reasonable use of the property.

- 5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.**

The site has been an industrial area for many years and has not significantly changes since the site was placed in the I1 Light Industrial District in 1999, with the general remapping of the City in conjunction with the adoption of a revised zoning code.

CONDITIONAL USE PERMIT (for a recycling facility)

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed use should not be detrimental to or endanger the public health, safety, comfort or general welfare, with the appropriate conditions of approval and site plan review. The business will have up to twenty trucks a day coming to and leaving the site and up to 60 employees depending on the season and work load. All activity (except deliveries to and from the site) will occur within the structure and on the site. The site is in an industrial area, on a general truck route, is not adjacent to residential uses, and has a large paved area for truck maneuvering and employee parking.

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

While there are uses in the I2 District that could have an impact on the surrounding area or that would not match the character of the office buildings on this part of Broadway Street NE, the proposed uses will retain the existing building and is required to perform all activities within an enclosed structure. There will be more truck activity to the site, but the site is on a general truck route and there is a large paved area for maneuvering and loading at the rear of the building. With site plan review and conditions of approval the development should not have negative impacts on surrounding properties.

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

Utilities and access are existing and adequate for the site.

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

The site has access to a truck route. There is a large paved area at the rear of the building for truck maneuvering and for employee parking. This use is required to have 38 spaces and the site, after modifications, will have 103 spaces. At this number of parking spaces five accessible spaces are required. Only two are shown on the site plan. The site is required to comply with accessibility standards.

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

See finding number one of the rezoning section of this staff report.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

The development will conform with the applicable regulations of the I2 District with the approval of the rezoning, conditional use permit, site plan review, and conditions of approval.

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.)**

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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, and active functions:
 - Residential uses:

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

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may

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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.

- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

- **Ground floor active functions:**
Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of chapter 549, Downtown Districts, shall apply.

The building is existing. The only change proposed to the building is the addition of four loading docks on the south side. They will be cut into the existing wall. This will eliminate two windows. Industrial uses listed 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 is not located between the building and the public street, public sidewalk or public pathway. The south wall does not face a public street, sidewalk, or pathway, so there is not a window requirement on the wall where the docks are to be added.

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 entrance of the building is on the west side of the building and is not connected to the public sidewalk on Broadway Street NE. Staff does not recommend alternative compliance and recommends that a four foot wide walkway be installed that connects the front entrance to the public sidewalk along Broadway Street NE.

There are no transit stops on the site.

There are no residential properties on the block or across the street from the site.

There is no alley access to the site.

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Access is existing. The circulation of the site will be changed slightly to allow for truck maneuvering by eliminating some parking spaces. There will be no change to the paving.

Although the site exceeds the maximum number of allowed parking spaces, the site has been designed so that all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

LANDSCAPING AND SCREENING:

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

The site plan shows 27 percent landscaping. The lot area is 142,711 square feet and the footprint of the building is 50,032 square feet. This leaves 92,679 square feet, of which 20 percent (18,536 square feet) is required to be landscaped. The applicant is providing approximately 25,251 square feet of landscaped area on site. Approximately 1,700 square feet of the landscaped area is landscaping rock along the west side, but this area is in excess of the required 20 percent landscaping.

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The development is required to provide one tree per 500 square feet and one shrub per 100 square feet of required green space. This translates into a requirement of 37 trees and 185 shrubs. The site plan shows 38 trees and approximately 65 large established shrubs. There are an additional seven deciduous trees on the west property line that are technically on the adjacent property but that are part of the landscaping area between the two sites. Staff recommends alternative compliance for the number of shrubs as the site has a long hedge row completely along the east, north, and west sides of the building that is well-established. While the number of shrubs is less than the required amount the size and area is significant and would probably exceed a planting of 185 smaller shrubs.

One tree per 25 linear feet of parking lot frontage is provided for the small part of the parking lot that fronts on Broadway Street NE.

The seven foot wide landscaped yard between the parking lot drives and the public sidewalk. The three foot high landscaping screening is not provided between the parking and the public sidewalk and street. Staff does not recommend alternative compliance and recommends the installation of shrub at the north end of the parking area to provide the required screening. This would require shrubs at the north end of the west row of parking and in the green space between the drive aisle and the freestanding sign.

The double rows of parking that are not along the perimeter of the site are not within 50 feet of an on-site deciduous tree. Staff recommends alternative compliance as the site currently exceeds the landscaping requirement and the additions of tree islands may interfere either with truck maneuvering or the existing drainage pattern to the established catch basins.

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped.

ADDITIONAL STANDARDS:

- All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.
- To the extent practical, site plans shall minimize the blocking of views of important elements of the city.
- To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.
- To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.
- Site plans shall include crime prevention design elements as specified in section 530.260 related to:
 - Natural surveillance and visibility
 - Lighting levels
 - Territorial reinforcement and space delineation
 - Natural access control
- To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.

Curbing is shown around the surface parking area. While the drainage system is established, staff encourages the property owner to consider improved on-site stormwater management and retention. This may allow for a reduction in the site's stormwater management fee.

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The building is existing and there are no changes proposed that would block important views of the city, shadow public spaces and adjacent properties, or significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed to delineate between public and private space and to control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

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

ZONING CODE: A recycling facility is allowed as a conditional use permit in the I2 Medium Industrial District.

Off-Street Parking and Loading: *Minimum automobile parking requirement:* The minimum required parking for a recycling facility is as approved by the conditional use permit, but not less than 1 space per 1,000 square feet of gross floor area up to 20,000 square feet and 1 space per 2,000 square feet of gross floor area in excess of 20,000 square feet. The gross floor area is 56,427 square feet. This results in a minimum parking requirement of 38 spaces; 103 spaces are provided. Staff believes this is a reasonable amount for a facility that would have up to 60 employees at one time. Five accessible spaces are required and five shall be provided. If the amount of spaces is below 100, then only four accessible spaces would be required.

Maximum automobile parking requirement: The maximum required parking for a recycling facility is as approved by the conditional use permit, but not less than 1 space per 200 square feet of gross floor area up to 20,000 square feet and 1 space per 1,000 square feet of gross floor area in excess of 20,000 square feet. The gross floor area is 56,427 square feet. This results in a maximum allowed amount of 136 parking spaces. The site will provide 103 spaces.

Bicycle parking requirement: There is no requirement for bicycle parking for a recycling facility.

Loading: A recycling facility of this size is required to provide 2 large loading spaces (12 feet by 50 feet). The building currently has 2 large loading docks and 4 small loading docks (10 feet by 25 feet). The applicant is proposing to add 4 large loading docks to the rear of the building.

Maximum Floor Area: The maximum FAR in the I2 District is 2.7. The zoning lot in question is 142,711 square feet in area. The site will contain approximately 56,427 square feet of gross floor area on the lot, an FAR of 0.4.

Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The existing building is one story or 18 feet (one floor with a mezzanine level).

Minimum Lot Area: There is no minimum lot size for a recycling facility in the I2 District.

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

Yard Requirements: There are no setbacks required for industrial uses in the industrial districts, unless adjacent to residential zoning. This site is not adjacent to residential zoning. The building is existing and no expansion is proposed.

Specific Development Standards: Specific Development Standards for a recycling facility require that the use shall be performed in a fully enclosed building, except that paper and cardboard may be stored outside in fully enclosed containers or trailers. For the purposes of this requirement, "enclosed" shall mean completely enclosed with no outdoor storage, sorting or processing of materials.

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. Operations not open to the public, including processing, may occur outside of these hours.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The applicant has indicated that no new signage is proposed. 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 site plan does not show the trash storage area. The final site plan shall show refuse storage locations and any outdoor storage shall be screened per code.

Lighting: The lighting will comply with Chapter 535 including the following standards:

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

(1) Lighting fixtures shall be effectively arranged so as not to directly or indirectly cause illumination or glare in excess of one-half ($\frac{1}{2}$) 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 source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.

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- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) 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 FOR SUSTAINABLE GROWTH: In addition to the policies listed under finding number one under the rezoning section of this report, the *Minneapolis Plan for Sustainable Growth* has the following applicable narratives and polices regarding site design:

Policy 10.12: Design industrial uses with appropriate transitions and other design features which minimize negative impacts on surrounding residential uses.

10.12.1 Provide appropriate physical transition and separation using green space, fencing, setbacks or orientation between industrial uses and other surrounding uses.

10.12.2 Encourage site planning for new developments that orients the “back” of proposed buildings to the “back” of existing development.

10.12.4 Design industrial sites to ensure direct access to major truck routes and freeways as a way to minimize automobile and truck impacts on residential streets and alleys.

10.12.5 Promote quality design and building orientation of industrial development that is appropriate with the surrounding neighborhoods.

10.12.6 Use the site plan review process to ensure that lighting and signage associated with industrial uses do not create negative impacts for residential properties.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

10.18.3 Locate parking lots to the rear or interior of the site.

10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

10.18.17 Minimize the width of ingress and egress lanes along the public right of way in order to provide safe pedestrian access across large driveways.

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The plan states the following about landscaping, “A well-designed landscape will create and define spaces while softening the built environment. Landscaping provides beauty and visual interest, shade and environmental benefits, as well as screening and buffering of uses. It is important to consider the types of plants and trees and how they will tolerate and impact their surrounding environment. Design and maintenance of the landscaped areas are important factors as well. The following policy and implementation steps provide guidance for landscaped areas in the city.”

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.

10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

With the conditions of approval the site plan is in conformance with the above noted policies of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL: See finding number one of the rezoning section of this staff report.

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

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

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

- Walkway

The entrance of the building is on the west side of the building and is not connected to the public sidewalk on Broadway Street NE. Staff does not recommend alternative compliance and recommends that a four foot wide walkway be installed that connects the front entrance to the public sidewalk along Broadway Street NE.

- Number of shrubs.

The development is required to provide one shrub per 100 square feet of required green space. This translates into a requirement of 185 shrubs. The site plan approximately 65 large established shrubs. Staff recommends alternative compliance for the number of shrubs as the plan shows a long hedge row completely along the east, north, and west sides of the building that is well-established. While the number of shrubs is less than the required amount the size and area is significant and would probably exceed a planting of 185 smaller shrubs.

- Parking lot screening.

The seven foot wide landscaped yard between the parking lot drives and the public sidewalk. The three foot high landscaping screening is not provided between the parking and the public sidewalk and street. Staff does not recommend alternative compliance and recommends the installation of shrub at the north end of the parking area to provide the required screening. This would require shrubs at the north end of the west row of parking and in the green space between the drive aisle and the freestanding sign.

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- Parking spaces within 50 feet of an on-site deciduous tree.

The double rows of parking that are not along the perimeter of the site are not within 50 feet of an on-site deciduous tree. Staff recommends alternative compliance as the site currently exceeds the landscaping requirement and the additions of tree islands may interfere either with truck maneuvering or the existing drainage pattern to the established catch basins.

RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission and City Council adopt the findings above and **approve** the rezoning from the I1 Light Industrial District to the I2 Medium Industrial District for property located at 1712 and 1712½ Broadway Street NE.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a recycling facility for property located at 1712 and 1712½ Broadway Street NE, subject to the following condition:

- 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 Community Planning and Economic Development Department - Planning Division for the site plan review:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for property located 1712 and 1712½ Broadway Street NE, subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by January 28, 2012, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

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- 3) The site plan shall be amended to show the required accessible parking spaces.
- 4) Provision of a four foot wide walkway that connects the public entrance on the west side of the building with the public sidewalk along Broadway Street NE as required by Section 530.130 of the zoning code.
- 5) Provision of the parking lot screening at the northwest corner of the site as required by Section 530.170 of the zoning code. The screening shall be provided at the north end of the parking row along the west side of the site and in the landscaped area south of the existing freestanding sign.
- 6) The final site plan shall show refuse storage locations and any outdoor storage shall be screened per code.

Attachments:

1. Statements from applicants.
2. Zoning matrix.
3. Zoning map.
4. Site plans, floor plans, and elevations.
5. Photos.