

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Variance, and Site Plan Review
BZZ-4109

Date: August 4, 2008

Applicant: Minneapolis Department of Public Works

Address of Property: 1858-1920 East 27th Street and 1901-1935 East 26th Street

Project Name: Hiawatha Maintenance Facility.

Contact Person and Phone: Steve Maurelli – RSP 612-677-7308

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

Date Application Deemed Complete: July 7, 2008

End of 60 Day Decision Period: September 5, 2008

Ward: 9 Neighborhood Organization: East Phillips Improvement Coalition

Existing Zoning: I2 Medium Industrial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 26

Legal Description: Not applicable for this application.

Existing/Proposed Use: Street and equipment maintenance facility/garage for public vehicles.

Concurrent Review:

Conditional use permit: To allow a street and equipment maintenance facility/garage for public vehicles.

Variance: Variance of the surfacing requirements.

Site Plan Review.

Applicable zoning code provisions: Chapter 525, Administration and Enforcement, Article VII, Conditional Use Permits. Article IX, Variances, Specifically Section 525.520(16), “to vary the surfacing requirements of Chapter 541, Off-Street Parking and Loading.” Chapter 530, Site Plan Review.

Background: the Minneapolis Department of Public Works has applied for a conditional use permit and site plan review to allow for various improvements to the Hiawatha Maintenance facility (please see attached description from the applicant). As of the writing of this report, staff has not received any correspondence for the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

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CONDITIONAL USE PERMIT (for a Public Works maintenance facility)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department 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 development will improve an existing Public Works facility. Some buildings will be demolished and replaced by a new structure, but two existing buildings on the site will be preserved. Truck parking and operation has been moved as far to the east away from the residential properties to the west as possible to lessen the impact on those properties. An asphalt processing plant will be removed and replaced with an asphalt storage silo that does not emit fumes. The parking lot and site storage will be redesigned for more efficient operation and there will be improved landscaping and stormwater management. The curb cuts have been moved to the west to improve safety at the intersection of Hiawatha and East 26th Street. While the site will continue to operate as a street equipment maintenance facility/garage for public vehicles, with the proposed improvements and the staff recommended conditions of approval, the development should not be detrimental to the public health, welfare, comfort, or safety.

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

The surrounding area is developed. To the north and west are residential buildings and to the east and south there are industrial uses. The site is currently used as a street equipment maintenance/garage for public vehicles. The conditional use permit amendment will allow more efficient use of the site, improved landscaping and screening, stormwater management, and improved facilities including new storage areas and buildings, removal of an asphalt batch plant, and new parking areas. With appropriate conditions of approval this facility should not be detrimental to nearby properties and should be an improvement to the area.

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

Utilities and access are existing and adequate. Public Works and the Fire Department have reviewed the plans for access and circulation and they find the plans acceptable. The final drainage plan is required to be approved by Public Works before and permits may be issued.

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

The applicant has designed the site to provide adequate parking for the proposed use based on their operations and demand. The zoning code requires that the parking requirement is as determined by the conditional use permit approval process. Public Works has provided a chart attached to this report that shows that there will be approximately 316 employees at the maximum summer employment and there will be 327 spaces of varying sizes at the facility. Some spaces are larger to serve street maintenance equipment. Employee vehicles will share spaces with city vehicles. It is the opinion of Public Works and Planning staff that there is adequate parking to meet the demand. The curb cuts have been moved westerly to avoid conflicts with the East 26th Street and Hiawatha intersection. Based on these factors the proposed changes to the site should not significantly increase traffic congestion in the public streets.

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

The Minneapolis Plan has the following relevant policies and implementation steps:

2.3 Minneapolis will continue to provide high quality physical infrastructure to serve the needs of business.

Implementation Steps

Develop and maintain the city's infrastructure to ensure the long-term success and competitiveness of Minneapolis in regional, national and global markets.

Support the current location of the Minneapolis-Saint Paul International Airport but alleviate its impact on residents.

Maintain the city's physical transportation facilities so that the design, condition or management of the city's streets and alleys, sidewalks, and skyways do not pose a threat to the well being of citizens and users.

7.5 Minneapolis will protect and sustain its water resources.

Implementation Steps

Undertake community-based and citywide measures to protect lake water quality by managing storm runoff, employing erosion control measures and other best management practices.

Encourage practices that result in either reduced overall amounts of impervious surfaces, or disconnect impervious surfaces and allow water to be slowed or detained in vegetated areas where it will do no harm to homes or property.

7.12 Minneapolis will play a leadership role in setting up examples and pilot projects.

Implementation Steps

Continue to improve the efficiency of buildings owned or used by city departments.

8.3 Minneapolis will continue to build and maintain road infrastructure in order to assure resident and motorist safety and mobility within the city.

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9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Implementation Steps

Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.

Require screening and buffering for new developments next to residential areas,

Minimize automobile and truck impact on residential streets and alleys by enforcing penalties for travel on routes where trucks are prohibited.

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

Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

Mitigate, through screening and buffering, limiting the size and scale of a building, and a business' hours of operation, the effects of commercial properties on residential areas.

It is the staff's opinion that the proposal is in conformance with these goals of the comprehensive plan. While there will be some impact on surrounding properties the proposed facility will improve an existing Public Works facility in an industrially zoned area. The proposed site plan is designed to mitigate the negative impacts of this facility through site layout and landscaping. In addition, the City Council has required that this project meet LEED (Leadership in Energy and Environmental Design) gold level standards to promote a green site and buildings.

In addition to the comprehensive plan polices the City Council has adopted the following small area plans that cover the site:

The *Hiawatha/Lake Station Area Master Plan* was adopted by the City Council on May 18, 2001. The plan designates this area as "North Phillips Industrial" and states that the proposed land use includes the reconstruction of the Public Works yard (see page 51).

The *Midtown Greenway Land Use Development Plan* was approved by the City Council on February 23, 2007. This site is in the East Subarea of the plan and is designated as light/medium industrial on the future land use map (please see attached map from the plan). The plan states that: "The future land use plan does not encourage the elimination of current and viable industrial uses. Existing businesses whose business needs are being met in their current location are entitled to remain, and may be valued for their contribution to neighborhoods that supply much needed jobs to community residents. It does, however, support the transition of much of the industrial land along the Midtown Greenway to other uses over time at a pace determined by the market."

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 6 – Seward/Hiawatha - please see attached map), which are areas designated for continued industrial use.

The existing and proposed land use is in conformance with the above noted small area plans.

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

The proposal will conform to the applicable regulations of the I2 Light Industrial District upon the approval of the conditional use permit, variance, and site plan review.

VARIANCE (to vary the surfacing requirements)

Findings Required by the Minneapolis Zoning Code:

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.

Section 541.300(a) of the zoning code requires that “all open off-street parking areas, all driveways leading to such parking areas, and all other areas upon which motor vehicles may be located, except where accessory to a single-family dwelling, shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds. In addition, all driveways in commercial and industrial districts leading to areas other than off-street parking areas shall be surfaced with a dustless all-weather hard surface material capable of carrying a wheel load of four thousand (4,000) pounds for a minimum of twenty (20) feet from the curb line. Acceptable surfacing materials shall include asphalt, concrete, brick, cement pavers or similar material installed and maintained per industry standards.”

Section 525.520(16), the authorized variance for surfacing requirements, states that “factors to be considered in varying the surfacing requirements for the industrial districts shall include but not be limited to the following: The yard and parking uses are in the same area; use of heavy equipment will cause excessive hard surface breakup; parking movements are infrequent; the area is distant from other non-industrial zone uses; or water infiltration is ecologically desirable.”

Public Works proposes utilizing gravelpave in most of the parking bays in the yard. It will not be used in the higher traffic drive aisles and driveways. Please see site plan sheet C5.0 for the locations of the gravelpave and the product information sheets attached to this report. The product does not technically meet the surfacing standards of the zoning code; however, it will be utilized in low traffic areas and not throughout the entire site, it facilitates on-site stormwater management, and it meets many of the zoning code requirements including the ability to support a 4,000 pound wheel-load. Not allowing limited use of an alternative to concrete or asphalt that would meet other city goals such as stormwater management, because the zoning code does not yet recognize new technologies may be a hardship.

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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.**

A street and equipment maintenance facility by its nature typically has a large parking area where alternative stormwater management practices may be appropriate. This condition is not generally applicable to other properties in the city. The proposed use of this alternative surfacing method in low-traffic areas to facilitate other city goals is a reasonable use of the property.

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.**

The intent of the ordinance is to provide a durable parking surface that does not produce dust, erode, or allow dirt or other matter to be tracked over the public sidewalks and in to the public streets. In general, paved surfaces also allow for a more permanent and organized parking layout through striping. The proposed gravelpave areas will be located where vehicles park at the interior of the site, but the drive aisles will be paved to prevent gravel from migrating from the site as dust or tracked by vehicles; therefore, the variance should not circumvent the intent of the ordinance.

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.**

The type of surfacing should have no effect on congestion in the public streets. The variance should not endanger public health or safety or increase the danger of fire.

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:
 - 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.

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

- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

All of the buildings on the site will be demolished except for the Central Stores building at the southwest corner of the site and the Sewer Department building fronting on East 26th Street. A new facility will be built adjacent to the Sewer Department building on the east and south sides. The new building will be located up to the property line. The front of the building will have a door along East 26th Street, but it will not be a principal entrance. Staff recommends alternative compliance as this is not a building open to the public and is a secured facility. Parking of city and personal vehicles has been located to the interior of the site to provide a large landscaping area at the front of the site, which necessitates entrances that are located further back on the building.

The building has architectural detail including changes in material, varied windows, metal panels, changes in the roof line, and reuse of existing architectural features. The materials are durable including metal, brick, concrete masonry units, and glass.

The building does not have blank walls that exceed 25 feet without windows, entries, recesses, or projections except for a small portion of the east side toward the south end of the addition. Staff recommends alternative compliance as it is a small part of the overall elevation, windows are not possible due to mechanical equipment behind the walls, and because architectural detail would not be appropriate as it would be out of character with the look of the metal panels along this wall.

The north elevation facing East 26th Street has 37 percent windows on the first floor and 64 percent on the second floor, but they are not evenly distributed. The east façade has zero percent windows on the first floor (there are windows, but they don't count per the code requirements, because they are higher than four feet from grade) and 27 percent windows on the second floor. Staff recommends alternative compliance due to practical difficulties because the locker rooms for staff are located in this area on the first floor and can not be moved to a different location in the building. Also, the second floor elevations exceed the window percentages, so there should still be eyes on the street.

Industrial buildings may provide less than 30 percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk, or public pathway. This provision applies to the west and south elevations.

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.

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- **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.**

There are three entrance/exits to the building. One is on the east side and another is on the west side at the middle of the building south from East 26th Street. The third door opens directly onto East 26th Street. The East 26th Street door is an emergency exit only and will be a secure door that is not be open to the public or employees. Employees will enter off of the parking lots. The public is not generally admitted to the building, but if they do come to the facility there is parking area on the west side that they will use and they will proceed to the west side entrance/exit that is facing this lot. Staff does not recommend alternative compliance for the walkway provision and recommends that a four foot wide walkway be provided from the public sidewalk on East 26th Street to the west side entrance for persons who walk to the facility.

There are no transit shelters on the site.

Vehicular access and circulation has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses by minimizing curb cuts and directing traffic towards East 26th Street and by continuing no direct alley access from the site.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management. In addition, most of the parking areas utilize gravel/pave to facilitate on-site stormwater retention (please see the variance section of this report).

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**

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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 23 percent landscaping. The lot area is 394,607 square feet and the footprint of the buildings is approximately 61,745 square feet. This leaves 332,862 square feet, of which 20 percent (66,574 square feet) is required to be landscaped. There is 77,690 square feet of landscaping on site. There is an additional 13,570 square feet in the adjacent right-of-way that was not included in the 23 percent, but that is a significant landscaped area.

The development is required to provide 133 trees and 665 shrubs. The site plan shows 281 trees (205 deciduous, 41 coniferous, and 35 ornamental). The plan meets the number of on-site trees, but 39 of the 281 new trees (32 deciduous and ornamental and seven coniferous) are in the right-of-way. There are 250 shrubs. Staff recommends alternative compliance for the number of shrubs, because the site plan provides significantly more trees than are required and over 2,136 perennials as an amenity in lieu of the number of shrubs. This will provide for a more diverse and attractive landscaping plan.

The plan shows the required seven-foot wide landscaped areas with the required three-foot high screening along the parking lot frontages. The plan shows one tree per every 25 linear feet of parking area that is visible from the public street.

Truck parking and storage is required to have six-foot high screening that is 95 percent opaque. This is provided by the existing sound wall along the east side of the site, by a building on the south side of the site, by a building on part of the west side of the site, and by a building and a sound wall on part of the north side of the site. In the other areas Public Works is proposing reusing bridge decking from the Lowry Avenue bridge in combination with landscaping to provide the required screening. It will not be 95 percent opaque, but staff recommends alternative compliance as this will be a creative reuse of materials and the majority of the site has 95 percent or greater screening. In addition, this alternative will allow visibility in some areas which is desirable to keep eyes on the street and for crime prevention. It may not be possible to obtain the bridge decking. If this is the case staff recommends that the required screening per code be installed along the west property line facing the residential, but alternatives in the other areas, such as lower growing landscaping, that would allow views into and out of the site in lieu of the 95 percent screening are acceptable.

Not all parking spaces are with 50 feet of a deciduous tree. The east side parking meets this requirement with the addition or movement of a couple of trees. The south side and the west side do not meet this requirement. Staff recommends granting alternative compliance for the south area because the operation of trucks, loaders, and other equipment would conflict with the trees. Staff does not recommend alternative compliance on the west side and recommends the addition of three tree islands (see landscaping plan for staff recommended areas of additional trees and tree islands).

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ADDITIONAL STANDARDS:

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

Curbing is not provided around the parking areas to facilitate on-site retention of stormwater.

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

The plan meets the CPTED guidelines. The landscaping and fencing provided site access and control and delineates public and private spaces. The more opaque screening along East 26th Street will allow views into and out of the site and provide eyes on the street. Landscaping should follow the 3-foot 7-foot rule.

There are no historic structures on the site.

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

ZONING CODE: The existing/proposed street and equipment maintenance facility/garage for public vehicles is allowed as a conditional use in the I2 Light Industrial District.

Off-Street Parking and Loading: The applicant has designed the site to provide adequate parking for the proposed use based on their operations and demand. The zoning code requires that the parking requirement is as determined by the conditional use permit approval process. Public Works has provided a chart attached to this report that shows that there will be approximately 316 employees at the maximum summer employment and there will be 327 spaces of varying sizes at the facility. Some spaces are larger to serve street maintenance equipment. Employee vehicles will share spaces with city vehicles. It is the opinion of Public Works and Planning staff that there is adequate parking to meet the demand. Eight handicapped accessible spaces are required and eight are provided. Two small loading spaces are required and there are several large parking space and open areas designed for larger vehicles and loading and unloading of materials.

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Maximum Floor Area: The maximum FAR in the I2 District is 2.7. The lot in question is 394,607 square feet in area. The site contains approximately 82,691 square feet of gross floor area on the lot, an FAR of 0.21.

Building Height: Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The remaining existing buildings and the new building will be from one story to two stories, or 34 feet.

Minimum Lot Area: The minimum lot area for a street and equipment maintenance facility/garage for public vehicles in the industrial districts is as approved by conditional use permit. The lot area is 394,607 square feet, which will be adequate for the proposed facility based on the site layout that meets zoning code standards.

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

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

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

Hours of Open to the Public: In the industrial districts, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The facility is not open to the public and typically operates from 7:00 a.m. until 3:30 p.m.; however, it will operate longer hours, including 24 hours operations, as conditions such as snow emergencies necessitate.

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 proposed sign plan meets the requirements of the zoning code. 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 refuse containers are screened as required by code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

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

- (1) Lighting fixtures shall be effectively 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.

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- (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.
- (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: See finding number 5 under the conditional use permit sections of this report.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The *Hiawatha/Lake Station Area Master Plan* was adopted by the City Council on May 18, 2001. The plan designates this area as “North Phillips Industrial” and states that the proposed land use includes the reconstruction of the Public Works yard (see page 51). The plan promotes buildings located up to the street, site landscaping, durable materials, and windows and entrances on elevations facing the street. All are present in the proposed reconstruction of the site and buildings.

The *Midtown Greenway Land Use Development Plan* was approved by the City Council on February 23, 2007. This site is in the East Subarea of the plan and is designated as light/medium industrial on the future land use map (please see attached map from the plan). The plan states that: “The future land use plan does not encourage the elimination of current and viable industrial uses. Existing businesses whose business needs are being met in their current location are entitled to remain, and may be valued for their contribution to neighborhoods that supply much needed jobs to community residents. It does, however, support the transition of much of the industrial land along the Midtown Greenway to other uses over time at a pace determined by the market.”

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 6 – Seward/Hiawatha - please see attached map), which are areas designated for continued industrial use.

The proposed site improvements and land use are in conformance with the above noted small area plans.

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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.
- Principal entrance.

The front of the building will have a door along East 26th Street, but it will not be a principal entrance. Staff recommends alternative compliance as this is not a building open to the public and is a secured facility. Parking of city and personal vehicles has been located to the interior of the site to provide a large landscaping area at the front of the site and a buffer from the nearby residential properties, which necessitates entrances that are located further back on the building. Staff has recommended that a walkway be provided from the public right-of-way to the side entrance as an alternative to mitigate the door location. Staff normally would not support the principal entrances being located this far from the public sidewalk; however, this is not a facility that is open to the public and there is still a door at the front of the structure that can be used in the future if the structure is converted to a use that is accessible to the public.

- Blank walls.

The building does not have blank walls that exceed 25 without windows, entries, recesses, or projections except for a small portion of the east side toward the south end of the addition. Staff recommends alternative compliance as it is a small part of the overall elevation, windows are not possible due to mechanical equipment, and architectural detail would not be appropriate as it would be out of character with choice of metal panels along this wall.

- Windows.

The north elevation facing East 26th Street has 37 percent windows on the first floor and 64 percent on the second floor, but they are not evenly distributed. The east façade has zero percent windows on the first floor (there are windows, but they don't count per the code requirements, because they are higher than four feet from grade) and 27 percent windows on the second floor. Staff recommends alternative compliance due to practical difficulties because the locker rooms for staff are located in this area on the first floor and can not be moved to a different location in the building. Also, the second floor elevations exceed the window percentages, so there should still be eyes on the street.

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- Walkways.

There are three entrance/exits to the building. One is on the east side and another is on the west side at the middle of the building south from East 26th Street. The third door opens directly onto East 26th Street. The East 26th Street door is an emergency exit only and will be a secure door that is not be open to the public or employees. Employees will enter off of the parking lots. The public is not generally admitted to the building, but if they do come to the facility there is parking area on the west side that they will use and they will proceed to the west side entrance/exit that is facing this lot. Staff does not recommend alternative compliance for the walkway provision and recommends that a four foot wide walkway be provided from the public sidewalk on East 26th Street to the west side entrance for persons who walk to the facility.

- On-site trees and shrubs.

The development is required to provide 133 trees and 665 shrubs. The site plan shows 281 trees (205 deciduous, 41 coniferous, and 35 ornamental) and 250 shrubs. Staff recommends alternative compliance for the number of shrubs, because the site plan provides significantly more trees than are required and over 2,136 perennials as an amenity in lieu of the number of shrubs. This will provide for a more diverse and attractive landscaping.

- Truck and loading screening.

Truck parking and storage is required to have six-foot high screening that is 95 percent opaque. This is provided by the existing sound wall along the east side of the site, by a building on the south side of the site, by a building on part of the west side of the site, and by a building and a sound wall on part of the north side of the site. In the other areas Public Works is proposing reusing bridge decking from the Lowry Avenue bridge in combination with landscaping to provide the required screening. It will not be 95 percent opaque, but staff recommends alternative compliance as this will be a creative reuse of materials and the majority of the site has 95 percent or greater screening. In addition, this alternative will allow visibility in some areas which is desirable to keep eyes on the street and for crime prevention. It may not be possible to obtain the bridge decking. If this is the case staff recommends that the required screening per code be installed along the west property line facing the residential, but alternatives in the other areas, such as lower growing landscaping, that would allows views into and out of the site in lieu of the 95 percent screening are acceptable.

- Parking within 50 feet of a deciduous tree.

Not all parking spaces are with 50 feet of a deciduous tree. The east side parking meets this requirement with the addition or movement of a couple of trees. The south side and the west side do not meet this requirement. Staff recommends granting alternative compliance for the south area because the operation of trucks, loaders, and other equipment would conflict with the trees. Staff does not recommend alternative compliance on the west side and recommends the addition of three tree islands (see landscaping plan for staff recommended areas of additional trees and tree islands).

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RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit with proposed number of parking spaces for a street and equipment maintenance facility/garage for public vehicles for property located at 1858-1920 East 27th Street and 1901-1935 East 26th Street 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.
- 2) If the parking spaces are reduced in the future, planning staff shall be consulted for review with zoning code compliance and an amendment before the City Planning Commission may be necessary to allow reductions or major changes to the parking plan for the facility.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance of the surfacing materials for public vehicles for property located at 1858-1920 East 27th Street and 1901-1935 East 26th Street subject to the following condition:

- 1) The variance is for the areas shown as gravelpave on the site plan attached to the staff report.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a street equipment maintenance facility/garage for public vehicles for property located at 1858-1920 East 27th Street and 1901-1935 East 26th Street subject to the following conditions:

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

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- 2) All site improvements shall be completed by August 4, 2009, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Provision of a 4 foot wide walkway from the public sidewalk on East 26th Street to the west side entrance as required by section 530.130 of the zoning code.
- 4) Provision of three additional tree islands of approximately seven feet in width in any direction in the west parking area as required by Section 530.170(3)(e) of the zoning code.

Attachments:

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