

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit and Site Plan Review
BZZ-5330

Date: October 17, 2011

Applicant: Camegaran, LLC, Attn: Patrick O. Regan, 101 East 10th Street, Suite 300, Hastings, MN 55033, (651) 437-9421

Addresses of Property: 715, 801, 815 and 743 Taft Street NE (2608 Broadway Street NE)

Project Name: Monarch Bus Service, Inc.

Contact Person and Phone: APPRO Development, Inc., Attn: Jim Connelly, 21476 Grenada Avenue, Lakeville, MN 55044, (952) 469-2171

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: September 2, 2011

End of 60-Day Decision Period: October 31, 2011

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

Ward: 1 **Neighborhood Organization:** Northeast Park Neighborhood Association

Existing Zoning: I2 (Medium Industrial) district

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 11

Lot area: 160,532 square feet or approximately 3.69 acres

Legal Description: Not applicable for this application

Proposed Use: Establish a transportation use/bus company on the site.

Concurrent Review:

- Conditional Use Permit to allow a transportation use (bus company) in the I2 (Medium Industrial) District.
- Site Plan Review to establish a bus company on the premises. Minor alterations to the existing buildings are proposed.

Applicable zoning code provisions: Article VII, Conditional Use Permits, and Chapter 530 Site Plan Review.

Background: The applicant proposes to locate a transportation use (bus company) on the properties located at 715, 801, 815 and 743 Taft Street NE (2608 Broadway Street NE). The

subject site has frontage on 3 public streets including Broadway Street NE on the north, Taft Street NE on the west and Summer Street NE on the south. The bus company is currently operating on a portion of the site. Bus companies, categorized as a bus garage or maintenance facility in the Zoning Code, are allowed as conditional uses in the I2 district. Site plan is also required for all transportation uses.

There are 3 existing structures on the property as well as a small shed and open sided storage structure. Two on the north side of the site adjacent to Broadway Street NE, and one on the south side of the site adjacent to Taft Street NE. The applicant had approached the City in order to increase the size of an existing overhead door on the building located on the south side of the site as well as some interior building improvements.

The subject property is located in the Mid City Industrial District which does not have a formal neighborhood organization. However, the Northeast Park Neighborhood Association was notified but no formal response has been received prior to the printing of the report. Any additional correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT –to amend an existing transportation use

Findings as required by the Minneapolis Zoning Code for a Conditional Use Permit:

The Minneapolis Department of Community Planning and 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 location of a bus company on the premises would not be expected to have any negative impacts on the area. The site is located in an industrial area, surrounded by other industrial uses and there are no residential properties in the vicinity. Staff does not believe that the proposal would prove detrimental to public safety, comfort or general welfare.

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.

There are 3 buildings currently located on the site as well as a small shed and open sided storage structure. One of the buildings appears to be more of a modular or temporary type of structure. The other two structures appear to be composed of concrete masonry units. The proposal to locate a bus company on the premises and allow some minor modifications to the existing structure located on the south side of the site adjacent to Taft Street NE would prove compatible with the surrounding uses and should not impede normal and orderly development of the area. Locating a bus company on the premises would not be expected to have any additional adverse impacts.

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

The current configuration of the site has 3 curb cuts off Taft Street NE, and 1 curb cut off of Summer Street NE. The applicant proposes to close 1 curb cut along Taft Street NE, closest to the intersection of Taft Street NE and Summer Street NE. The other 3 will remain. A total of 42 surface parking stalls for vehicles are located on the site and 111 surface parking stalls for buses.

The applicant has not been through the required Preliminary Development Review (PDR) process. The Public Works Department shall review the preliminary plan and the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development should the applications be approved. This would be required to ensure that all procedures are followed and that the development complies with all city and other applicable requirements. Any changes to the site plan as a result of PDR may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the Zoning Code.

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

Chapter 541 of the Zoning Code requires 1 space per 500 square feet of gross floor area in excess of 4,000 square feet excluding service bays plus one space per two service bays. Based on the gross floor area of the buildings on the premises which would total 7,072 square feet, a total of 6 off-street parking spaces would be required. Further, there are 4 service bays on the premises which would require an additional two spaces for a total of 8 required off-street parking spaces. A total of 42 surface parking stalls are located on the subject site which exceeds the minimum requirement. Staff believes that adequate measures have been provided to minimize traffic congestion in the public streets.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject site is an industrially designated parcel, located within the Mid-City Industrial Employment District. The proposal to locate a transportation use on the property is consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.”

Land Use Policy 1.2. of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.”

Land Use Policy 1.14 of *The Minneapolis Plan for Sustainable Growth* states, “Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses. This policy includes the following relevant implementation step (1.14.5) “Encourage and

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

There is an additional plan that must be considered when evaluating the proposal which is the City’s Industrial Land Use and Employment Policy Plan, adopted by the City Council in 2006. The purpose of the plan is to provide the City with clear policy direction for industrial land uses and industrial sector employment within the City of Minneapolis. The plan evaluates the long-term viability of existing industrial uses and proposes a range of industrial uses to retain for the future. The plan identifies where existing and new industrial uses should be located and what components, either existing or new, these uses will require. In addition to land use, the plan provides a comprehensive examination of current and future industrial sector employment within the City of Minneapolis in relation to national and regional trends.

The subject parcel is located in the Mid-City Employment District. As indicated in the applicant’s submittal materials, the relocation and establishment of the use will bring upwards of 150 full and part-time jobs from outside the City. The proposal to locate a bus company on the subject site is in compliance with both *The Minneapolis Plan for Sustainable Growth* and the City’s *Industrial Land Use and Employment Policy Plan*.

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 rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, including the conditional use permit and site plan review, the proposal would appear to comply with all applicable provisions of the I2 District.

SITE PLAN REVIEW:

Required Findings for Site Plan Review

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

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.

- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances, 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 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 531.20 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. 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 buildings are existing on the premises. The only exterior modification proposed would be to enlarge an existing overhead door on the southernmost structure in order for the applicant to better utilize the existing building. All other proposed modifications are interior. The existing elevations will not be evaluated for the purposes of the window requirements. Typically, non-residential developments are subject to a 30% window requirement on the ground floor. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. A 10% window requirement typically applies on each floor above the first floor. Alternative compliance is not necessary as these are existing conditions.

The buildings are exempt from the ground floor active functions provision.

The existing exterior materials and appearance of the rear and side walls of the existing building would be similar to and compatible with the fronts of the buildings. The existing elevations will not be evaluated for blank uninterrupted walls that exceed 25 feet in width. The existing rooflines are flat.

The existing parking would be accessed off of Taft Street NE and off of Summer Street NE. There are a total of 42 vehicular parking stalls and 111 bus parking stalls located on the site. No ramp is proposed as part of the development.

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 principal entrance to the south building is located directly off of a small segment of the public sidewalk along Taft Street NE. The two buildings located on the north side of the site, are located at the rear of the site, not up to the public streets. Further, the entrances to these structures are not connected to the public sidewalk via walkways that are greater than 4 feet in width as there is no sidewalk along Broadway Street NE, along Taft Street NE (other than directly adjacent to the south building, or along Summer Street NE; this is an existing condition, but is still subject to alternative compliance. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require that a walkway connection be provided when there is no public sidewalk to connect to in this location.

There are no transit shelters within the development.

There are no adjacent residential uses.

There is no public alley adjacent to the site.

The majority of the site is covered by impervious surfaces due to the industrial nature of the use. With the additional landscaping proposed on the site by the applicant, approximately, 5.5% of the net site would be landscaped, or approximately 6% of the site not occupied by buildings.

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 proposal does not meet the 20% landscaping requirement. The total site area is 160,532 square feet or approximately 3.69 acres and the proposed building footprints on the site total 12,012 square feet. A total of 29,704 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing 9,096 square feet or approximately 6% of the site not occupied by buildings. Alternative compliance would be necessary. Due to the nature of the industrial use and configuration of the existing buildings on site, it is not practical to require full compliance with this provision. However, there are opportunities around the perimeter of the parking lot along all 3 street frontages to include additional landscaping. Planning Staff believes that the Planning Commission should grant alternative compliance in this circumstance as it would not be practical to require full compliance; however, Planning Staff would recommend that the Planning Commission require the applicant to increase the percentage of green space on the site to at least 8%, or approximately 11,882 square feet.

The zoning code requires that there be at least 60 trees and 297 shrubs. There are currently no shrubs located on the property and the applicant proposes to install 36 which would not meet the shrub quantity requirements. Further, there are 9 existing trees, and the applicant intends to plant 11 new trees for a total of 20 trees which also does not meet the tree quantity requirements. Alternative compliance would be necessary as the proposal would not meet the quantity requirements. Planning Staff will recommend that the Planning Commission grant partial alternative compliance in this circumstance as it would be difficult to require the industrial development to comply due to limited planting areas. Planning Staff would recommend that the applicant be required to have a total of 30 on site trees, and 150 shrubs, or half of the required quantities on the subject site.

A 9-foot landscaped yard and screening is required along Broadway Street NE, Taft Street NE and Summer Street NE. Alternative compliance would be necessary as the applicant is proposing a 5 foot wide landscaped area along Broadway Street NE, minimal perimeter landscaping (other than some shown in the public right-of-way) along Taft Street NE as landscaping is proposed within the closed drive-cut area, and approximately 8-10 feet of perimeter landscaping along Summer Street NE. Proposed screening does not meet the requirements outlined in Chapter 530 of the Zoning Code. Planning Staff would recommend that the Planning Commission require compliance with the perimeter landscaping and screening provisions along all 3 street frontages. Planning Staff is recommending that the fencing located on the premises be replaced as it is dilapidated and consists of barbed-wire in some areas. With the removal of the fencing the applicant can accommodate the 9 foot perimeter landscaping requirement. Further, should the City ever construct additional sidewalks in this area, landscaping is necessary in order to provide a buffer between the industrial use and future pedestrian walkways.

Not all parking spaces are located within 50 feet of the center of on-site deciduous tree, and the surface parking lot does not meet the 25 foot linear tree requirement along Taft Street NE as the trees shown are located in the public right-of-way, along Summer Street NE and Broadway Street NE. Alternative compliance would be necessary for both provisions. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance for the proximity to an on-site deciduous tree as it would not be practical to require compliance due to the sheer volume of parking stalls for both buses and vehicles. However, Planning Staff would recommend that the Planning Commission require compliance with the 25 foot linear tree requirement along all 3 street frontages.

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.

A total of 42 vehicular surface parking stalls and 111 bus parking stalls are located on the site. The site appears to currently accommodate on-site retention and filtration.

The buildings on site are existing, and the minor modifications proposed will not result in the blocking of any significant views. No additional shadowing impacts on adjacent properties or on public spaces are anticipated. The proposal would also not be expected to have any impacts on light, wind and air in relation to the surrounding area.

The site appears to be well-lit and well-secured. The existing fencing on the site is dilapidated in some locations, and barbed-wire, a prohibited fencing material is also located on some portions of the site. Planning Staff would recommend that the Planning Commission

There are no historic structures on the subject site.

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

ZONING CODE - The use is conditional in the I2 District.

If all land use/zoning applications are approved including the conditional use permit application and site plan review, the proposal would comply with all applicable provisions of the I2 District.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 of the Zoning Code requires 1 space per 500 square feet of gross floor area in excess of 4,000 square feet excluding service bays plus one

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space per two service bays. Based on the gross floor area of the buildings on the premises which would total 7,072 square feet (less the service bays), a total of 6 off-street parking spaces would be required. Further, there are 4 service bays on the premises which would require an additional two spaces for a total of 8 required off-street parking spaces. A total of 42 surface parking stalls for vehicles are located on the subject site, along with parking for 111 buses which exceeds the minimum requirement. Staff believes that adequate measures have been provided to minimize traffic congestion in the public streets.

Maximum automobile parking requirement: Chapter 541 of the zoning code allows 1 space per 200 square feet of gross floor plus one space per service bay as a maximum parking allowance for transportation uses (bus garage or maintenance facility). Based on the gross floor area of the office/maintenance facility which would total 7,072 square feet, a total of 35 off-street parking spaces would be permitted. Additionally, there are 4 service bays which would allow an additional 4 spaces for a maximum parking requirement of 39 off-street parking spaces. A total of 42 surface parking stalls for vehicles are located on the subject site as well as 111 bus parking spaces; the 42 vehicle parking spaces are existing and therefore, do not require a variance to exceed the maximum automobile parking requirement.

Bicycle parking requirement: There is no bicycle parking requirement for transportation uses in Chapter 541.

Loading: The minimum loading requirement for a bus garage or maintenance facility totaling less than 20,000 square feet in size is zero.

Dumpster screening: 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 development complies with this provision as trash is stored inside of the existing building located on the south side of the site.

Signs: No additional signs are proposed. Any new signage would require a separate permit from the Zoning Office and would need to meet all applicable Chapter 543 standards.

Lighting: There are building mounted and pole style light fixtures throughout the site. All lighting must be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Maximum Floor Area: The maximum F.A.R. for all structures in the I2 district is the gross floor area of the building which would be 12,012 square feet divided by the area of the lot which is 160,532 square feet. The outcome is .075 which is less than the maximum of 2.7 that is permitted in the I2 District. The proposal is in compliance with this requirement.

Minimum Lot Area: The project would meet the minimum lot area requirements for a transportation use in the I2 district as the development is situated on a lot greater than 12,000 square feet in size and wider than 100 feet.

Dwelling Units per Acre: Not applicable for this provision.

Height: Maximum building height for principal structures located in the I2 district is 4 stories or 56 feet, whichever is less. All of the buildings on site are single-story, with a maximum height of 18 feet.

Yard Requirements: There are no applicable yard requirements.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

See the above listed response to finding #5 in the conditional use permit application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

Conformance with Applicable Development Plans or Objectives Adopted by the City Council

See the above listed response to finding #5 in the conditional use permit application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

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:

Connection to the public sidewalk: The principal entrance to the south building is located directly off of a small segment of the public sidewalk along Taft Street NE. The two buildings located on the north side of the site, are located at the rear of the site, not up to the public streets. Further, the entrances to these structures are not connected to the public sidewalk via walkways that are greater than 4 feet in width as there is no sidewalk along Broadway Street NE, along Taft Street NE (other than directly adjacent to the south building, or along Summer Street NE; this is an existing condition, but is still subject to alternative compliance. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance as it would not be practical to require that a walkway connection be provided when there is no public

sidewalk to connect to in this location.

□ 20% landscaping requirement: The proposal does not meet the 20% landscaping requirement. The total site area is 160,532 square feet or approximately 3.69 acres and the proposed building footprints on the site total 12,012 square feet. A total of 29,704 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is providing 9,096 square feet or approximately 6% of the site not occupied by buildings. Alternative compliance would be necessary. Due to the nature of the industrial use and configuration of the existing buildings on site, it is not practical to require full compliance with this provision. However, there are opportunities around the perimeter of the parking lot along all 3 street frontages to include additional landscaping. Planning Staff believes that the Planning Commission should grant alternative compliance in this circumstance as it would not be practical to require full compliance; however, Planning Staff would recommend that the Planning Commission require the applicant to increase the percentage of green space on the site to at least 8%, or approximately 11,882 square feet.

□ Landscape quantities: The zoning code requires that there be at least 60 trees and 297 shrubs. There are currently no shrubs located on the property and the applicant proposes to install 36 which would not meet the shrub quantity requirements. Further, there are 9 existing trees, and the applicant intends to plant 11 new trees for a total of 20 trees which also does not meet the tree quantity requirements. Alternative compliance would be necessary as the proposal would not meet the quantity requirements. Planning Staff will recommend that the Planning Commission grant partial alternative compliance in this circumstance as it would be difficult to require the industrial development to comply due to limited planting areas. Planning Staff would recommend that the applicant be required to have a total of 30 on site trees, and 150 shrubs, or half of the required quantities on the subject site.

□ Landscaping and Screening: A 9-foot landscaped yard and screening is required along Broadway Street NE, Taft Street NE and Summer Street NE. Alternative compliance would be necessary as the applicant is proposing a 5 foot wide landscaped area along Broadway Street NE, minimal perimeter landscaping (other than some shown in the public right-of-way) along Taft Street NE as landscaping is proposed within the closed drive-cut area, and approximately 8-10 feet of perimeter landscaping along Summer Street NE. Proposed screening does not meet the requirements outlined in Chapter 530 of the Zoning Code. Planning Staff would recommend that the Planning Commission require compliance with the perimeter landscaping and screening provisions along all 3 street frontages. Planning Staff is recommending that the fencing located on the premises be replaced as it is dilapidated and consists of barbed-wire in some areas. With the removal of the fencing the applicant can accommodate the 9 foot perimeter landscaping requirement. Further, should the City ever construct additional sidewalks in this area, landscaping is necessary in order to provide a buffer between the industrial use and the future pedestrian walkways.

□ On site deciduous tree and 25 foot linear tree requirement: Not all parking spaces are located within 50 feet of the center of on-site deciduous tree, and the surface parking lot does not meet the 25 foot linear tree requirement along Taft Street NE as the trees shown are located in the public right-of-way, along Summer Street NE and Broadway Street NE. Alternative compliance would be necessary for both provisions. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance for the proximity to an on-site deciduous tree as it would not be practical to require compliance due to the sheer volume of parking stalls for both buses and vehicles. However, Planning Staff would recommend that the

Planning Commission require compliance with the 25 foot linear tree requirement along all 3 street frontages.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a transportation use (bus company) on the properties located at 715, 801, 815 and 743 Taft Street NE (2608 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 Department of Community Planning and Economic Development – Planning Division for the site plan review:

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application to allow a transportation use (bus company) on the properties located at 715, 801, 815 and 743 Taft Street NE (2608 Broadway Street NE) subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by October 17, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the Zoning Code.
4. All unpaved areas in the parking lot shall be paved as required by Section 541.300 of the Zoning Code. The applicant shall stripe the parking lot in accordance with the approved plan.
5. The applicant shall increase the overall net landscaping on the site to 8%, or approximately 11,882 square feet.
6. The existing fencing on site shall be removed and a new decorative fence or black, vinyl coated chain-link fence shall be installed around the perimeter of the site. Barbed wire fencing is prohibited.

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7. A total of 30 on site trees and 150 shrubs shall be planted on the premises. The final landscape plan shall be reviewed by Planning Staff.
8. The final landscape plan shall be modified to meet the standards outlined in Section 530.170 of the Zoning Code pertaining to landscaping and screening, including the 25-foot linear tree requirement.

Attachments:

1. Statement of use and description
2. CUP Findings
3. Correspondence
4. Zoning map
6. Plans – site/survey/landscape, floor plan
7. Pictures of the existing conditions