

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ – 5305

Date: October 3, 2011

Applicant: US Internet

Address of Property: 2937 Garfield Avenue South

Project Name: US Internet Fiber to the Premise

Contact Person and Phone: Sam Turner, (952) 210-8703

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: September 1, 2011

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

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: I1 Light Industrial District

Proposed Zoning: Not applicable

Zoning Plate Number: 24

Legal Description: Not applicable

Proposed Use: Communication exchange

Concurrent Review:

Conditional use permit to allow a communication exchange.

Site plan review.

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

Background: The applicant proposes to establish a communication exchange located at the property of 2937 Garfield Avenue. Two concrete prefabricated structures (each 8-9' H x 12' W x 28' D) are proposed on a currently vacant site. The facility would house a fiber optic network for wireless internet. A communication exchange is a conditional use in the I1 district. The use is classified under the category of Public Services and Utilities in the zoning code, which is subject to site plan review along with any proposal for a new non-residential structure. Upon approval of the conditional use permit, the actions must be recorded with Hennepin County as required by state law. As of writing this

CPED Planning Division Report
BZZ – 5305

staff report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

According to the City of Minneapolis' website, the City signed a 10-year contract with USI Wireless of Minnetonka to provide Minneapolis with cutting-edge broadband technology and became one of the first large cities in the United States to go wireless. This wireless network allows the City to serve its citizens more effectively and efficiently, and it brings a new level of convenience and connectedness to the people who live, work and play in Minneapolis. USI Wireless will fund, build, and manage a wireless network covering all 59 square miles of Minneapolis, providing residents, businesses, and visitors with wireless broadband access anywhere in the City.

Staff is recommending denial of both applications because the proposed structures do not comply with nearly all of the site plan review building design requirements and alternatives are not proposed that would mitigate adverse effects of not complying with those requirements. The applicant has indicated that US Internet will establish additional communication exchange facilities in other areas of the City. With the potential for other facilities like this to be established elsewhere in the City, creating precedence is a concern for staff as well. Because of the likelihood that these applications would be denied as proposed, staff suggested to the applicant continuing the application to a future hearing date to allow time to attend a CPC committee of the whole meeting to discuss the project. The applicant declined because of timing issues related to installing the facilities this year. The applicant is working on revising the building design, but the revised plans were not available as of writing this report. The revised plans will likely be presented to the planning commission on October 3rd. As indicated in the findings below, the staff recommendation to deny the applications is unlikely to change unless the proposal is for a structure constructed on-site with a full brick exterior on all sides including architectural features similar to the building constructed at 4234 Nicollet Avenue (built in 2000), which is also a communication exchange facility.

The survey and site plan attached to this report show a deck attached to the dwelling located at 2933 Garfield Avenue extending over the lot line and encroaching onto the property of 2937 Garfield Avenue. The deck encroachment should be removed, but needs to be addressed privately. The applicant has indicated that since the application was submitted, the deck encroachment has been removed and an updated survey completed. As of the writing of this report, staff has not received a copy of the updated survey.

CONDITIONAL USE PERMIT: to allow communication exchange.

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.**

A communication exchange should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances as well as Public Works Department standards.

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.

Surrounding uses in the immediate area include residential, light industrial, and commercial uses. Recent development trends in the immediate area are resulting in increased amounts of residential, commercial and mixed use developments and decreased amounts of industrial uses. The long-range plan for the area calls for higher density development around Lyn-Lake with an emphasis of commercial mixed-use on Lake Street and Lyndale Avenue and high-density residential development off of those corridors. Other adopted policies promote enhanced building design, which are also defined in Chapter 530 of the zoning code. The proposed structures would not comply with any of the site plan review building design standards. The reasons for site plan review standards include promoting development that is compatible with nearby properties and plans adopted by the city council, to promote public safety, and to visually enhance development. No alternatives are proposed that meet the intent of the site plan review chapter and no site amenities or additional site improvements are proposed that would address any adverse effects of the alternative. Not meeting these standards and not proposing alternatives to enhance the appearance of the structures can have a negative effect on existing and future development. Other communication exchanges have been established elsewhere in the City, including one at 4234 Nicollet Avenue (new construction) and 2026 Central Avenue NE (repurposed building), that have incorporated enhanced design features into the building and site to integrate them into the existing neighborhoods without looking like temporary structures. For these reasons, staff is recommending denial of the site plan review. Therefore, a recommendation of denial is also proposed for the conditional use permit.

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

Other than the facilities proposed by the applicant, the site would be served by existing infrastructure. The Public Works Department will review the project for appropriate drainage and stormwater management as well as to ensure the safety of the position and design of improvements in or over the public right of way.

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

The parking requirement for a communication exchange is determined by the conditional use permit. The applicant has indicated that the site would be accessed approximately once a week for servicing of the facility, but would not otherwise have personnel at the site. With the low level of traffic demand expected, one on-site parking space would be sufficient. No parking is shown on the site plan. However, the applicant has indicated the unimproved parking area adjacent to the alley would be used for parking if needed. If parking is to occur in that area, the parking area will need to be surfaced as required by section 541.300 of the zoning code, the parking space(s) will need to be

marked as required by sections 541.320 and 541.330 of the zoning code, the layout of the parking area will need to be done in a way that all maneuvering occurs on-site as required by section 541.290 of the zoning code, and the parking area must be accessible as required by the Minnesota State Building Code.

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

In the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*, the future land use of the site is designated as urban neighborhood. The site is adjacent to other designated land use features. Lyndale Avenue and West Lake Street are designated as commercial corridors. Garfield Avenue acts as the eastern boundary of the Lyn-Lake activity center. According to the principles and policies outlined in the plan, the following apply to this proposal:

Policy 4.3: Develop and maintain the city’s technological and information infrastructure to ensure the long-term success and competitiveness of Minneapolis in regional, national and global markets.

- 4.3.1 Promote the use of best available technology in upgrading communication linkages to the region and the world.
- 4.3.3 Develop technological and information infrastructure in order to offer high quality working environments for businesses.

Policy 5.4: Enhance the safety, appearance, and effectiveness of the city’s infrastructure.

- 5.4.1 Maintain and improve the quality and condition of public streets, sidewalks, bridges, water systems, and other public infrastructure.
- 5.4.2 Plan for and provide public facilities which anticipate growth needs, use fiscal resources efficiently, and meet realistic timelines.

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Policy 10.4: Support the development of residential dwellings that are of high quality design and compatible with surrounding development.

- 10.4.1 Maintain and strengthen the architectural character of the city's various residential neighborhoods.
- 10.4.2 Promote the development of new housing that is compatible with existing development in the area and the best of the city’s existing housing stock.

Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

- 10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

The site is also located within the boundaries of the *Lyn-Lake Small Area Plan*. The plan was adopted by the City Council in 2009 and is part of the comprehensive plan. The future land use designation of this site and most of the properties on this block is high-density residential. The

properties adjacent to Lake Street and west of Garfield Avenue are designated for mixed use development.

Staff comment: The proposed use would expand the City’s infrastructure and address growing demand for better internet service. The site is located in an area expected to transition from industrial to mixed use and high-density residential development as has occurred west of Lyndale Avenue along the Midtown Greenway. Policies for both residential and commercial development reinforce that high-quality design and compatibility are expected. To be consistent with these policies, the proposed facility should also adhere to higher design standards that will ensure the use will be compatible with future development. Staff’s position is that a structure constructed on-site with a full brick exterior on all sides including architectural features would be consistent with the comprehensive plan policies by being compatible with the one- to three-story commercial and mostly brick buildings located at Lyn-Lake. A communication exchange meeting these standards is located at 4234 Nicollet Avenue (photos attached). The Nicollet facility reflects the character of buildings, both residential and commercial, along Nicollet in that immediate area.

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 use will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and site plan review and designing the parking area to comply with the zoning code ordinances noted in finding #4 of this section of the report.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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.

CPED Planning Division Report
BZZ – 5305

- 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 530.120 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

CPED Planning Division Report
BZZ – 5305

floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The proposal would be in conformance with the following requirements:

- Parking would be located behind the building.
- The exterior materials and appearance of the rear and side walls of the buildings would be similar and compatible with the front of the building.
- Plain faced concrete block would not be used.

The proposal would not be in conformance with the following requirements:

- The building would be set back more than 8 feet from the front lot line at approximately 31 feet.
- Landscaping would be located between the building and the front lot line; however, a solid wood fence would obscure views of the landscaping.
- The entrances would face the interior of the site and not the street.
- The north wall of the north building and the south wall of the south building would have blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural features that exceed 25 feet in width.
- The primary exterior material would be aggregate. Although the material is durable, it does not meet the intent of the ordinance to promote development that is compatible with nearby properties, neighborhood character, and plans adopted by the city council, and to visually enhance development.
- The principal entrances would not clearly be defined or emphasized through the use of architectural features.
- The west walls facing Garfield Avenue and the east walls facing the parking area are subject to the minimum window requirements. Thirty percent of each wall measured between 2 and 10 feet above grade is 21.6 square feet. No windows are proposed.
- No active functions are proposed.
- A pitched roof is proposed. Most of the nonresidential buildings in the immediate area have flat roofs.

Please see the alternative compliance section for further discussion of the building placement and design requirements.

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.

Conformance with above requirements:

CPED Planning Division Report
BZZ – 5305

- A 3-foot wide walkway would connect the entrances to the public sidewalk and on-site parking.
- A transit shelter is not proposed or adjacent to the site.
- The applicant has indicated that vehicle access would be from the public alley. Residential uses also have access to the alley. Access to the site is expected to be infrequent. Provided all maneuvering occurs on-site, traffic should have little effect on surrounding residential properties and pedestrians.
- The site plan would minimize the use of impervious surfaces.

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.**

Conformance with above requirements:

- The zoning code requires that a least 20 percent of the site not occupied by buildings be landscaped. The lot area of the site is 5,146 square feet. The proposed structures would occupy approximately 644 square feet of the site. The lot area minus the building footprints therefore consists of 4,502 square feet. At least 20 percent of the net site area is 900.4 square feet. Approximately 3,200 square feet of the site would be landscaped. That is equal to 71 percent of the net lot area.

CPED Planning Division Report
BZZ – 5305

- The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 2 and 9 respectively. No canopy trees and 22 shrubs are proposed.
- If parking is proposed at the rear of the site, it would be located across the alley from residential zoning. Therefore, a 7 foot wide yard is required along the alley with screening that is 6 feet in height and at least 95 percent opaque. No landscaped yard is proposed. (Please note: Although a residential use is located north of the subject site, it is located in the I1 district where it is not a permitted use.) Each parking space is also required to be within 50 feet of an on-site tree. The parking area would not be located within 50 feet of an on-site tree.
- The landscaping plan does not indicate how the remainder of the site not occupied by landscaping, buildings, parking, or driveways would be covered.

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.

Conformance with above requirements:

- No curbing is proposed, which would allow for the on-site retention and filtration of stormwater.
- The buildings would not impede any views of important elements of the city, significantly shadow the adjacent streets or properties or increase the generation of wind currents at ground level.
- The crime prevention design elements indicated on the site plan include lighting and a fence to prevent access. Additional elements should be incorporated to improve natural surveillance and visibility and prevent graffiti.
- No structures exist 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 site is zoned I1. A communication exchange is a conditional use in this district.

Off-Street Parking and Loading:

CPED Planning Division Report
BZZ – 5305

Minimum and maximum automobile parking requirement: The minimum and maximum parking requirements for communication exchanges are as approved by the conditional use permit. The use is not subject to the minimum 4 space requirement. The applicant has indicated that the site would be accessed approximately once a week for servicing of the facility, but would otherwise not have personnel at the site. With the low level of traffic demand expected, one on-site parking space would be sufficient. No parking is shown on the site plan. However, the applicant has indicated the unimproved parking area adjacent to the alley would be used for parking if needed. If parking is to occur in that area, the parking area will need to be surfaced as required by section 541.300 of the zoning code, the parking space(s) will need to be marked as required by sections 541.320 and 541.330 of the zoning code, the layout of the parking area will need to be done in a way that all maneuvering occurs on-site as required by section 541.290 of the zoning code, the parking area must be accessible as required by the Minnesota State Building Code, and the parking area must comply with any required landscaping, screening and curbing requirements of Chapter 530 of the zoning code. Please note: When parking is provided, at least one space must be accessible.

Bicycle parking requirement: Not applicable.

Loading: Not applicable.

Maximum Floor Area: The lot area is 5,146 square feet. The maximum FAR allowed in the I1 District is 2.7. The buildings would have a total of 644 square feet, which is an FAR of 0.12.

Minimum Lot Area: Not applicable.

Building Height: In the I1 district, the maximum height is limited to 4 stories or 56 feet, whichever is less. The proposed height is one story and 9 feet.

Yard Requirements: Not applicable. Yard requirements apply in the industrial districts only when the site is adjacent to a residence or office residence district or a permitted or conditional residential use. The site is not adjacent to any of these. The residence to the north of the site is located in the I1 district and is therefore a nonconforming use.

Specific Development Standards: Not applicable.

Refuse screening: No refuse containers are proposed.

Fencing: The site plan indicates that chain link gates with a privacy membrane will be installed in the existing fencing. Chain link with slats is prohibited by the zoning code. All proposed fencing will need to comply with Chapter 535, Article VI Fences.

Mechanical equipment screening: The applicant has indicated that air conditioning units would be visible from the rear of each building. Mechanical equipment must be screened as required by section 535.70 of the zoning code:

535.70. Screening of mechanical equipment. (a) *In general.* All mechanical equipment installed on or adjacent to structures shall be arranged so as to minimize visual impact using one (1)

CPED Planning Division Report
BZZ – 5305

of the following methods. All screening shall be kept in good repair and in a proper state of maintenance.

- (1) *Screened by another structure.* Mechanical equipment installed on or adjacent to a structure may be screened by a fence, wall or similar structure. Such screening structure shall comply with the following standards:
 - a. The required screening shall be permanently attached to the structure or the ground and shall conform to all applicable building code requirements.
 - b. The required screening shall be constructed with materials that are architecturally compatible with the structure.
 - c. Off-premise advertising signs and billboards shall not be considered required screening.
- (2) *Screened by vegetation.* Mechanical equipment installed adjacent to the structure served may be screened by hedges, bushes or similar vegetation.
- (3) *Screened by the structure it serves.* Mechanical equipment on or adjacent to a structure may be screened by a parapet or wall of sufficient height, built as an integral part of the structure.
- (4) *Designed as an integral part of the structure.* If screening is impractical, mechanical equipment may be designed so that it is balanced and integrated with respect to the design of the building.

Lighting: Lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

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 (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.
- (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: In addition to the principles and polices outlined in the conditional use permit section of this staff report, the following apply to this proposal:

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.

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.

Policy 10.22: Use Crime Prevention Through Environmental Design (CPTED) principles when designing all projects that impact the public realm, including open spaces and parks, on publicly owned and private land.

10.22.3 Design the site, landscaping, and buildings to promote natural observation and maximize the opportunities for people to observe adjacent spaces and public sidewalks.

10.22.4 Provide on-site lighting at all building entrances and along walkways that maintains a minimum acceptable level of security while not creating glare or excessive lighting of the site.

10.22.5 Locate landscaping, sidewalks, lighting, fencing and building features to clearly guide pedestrian movement on or through the site and to control and restrict people to appropriate locations.

10.22.6 Use innovative building designs and landscaping to limit or eliminate the opportunity for graffiti tagging.

10.22.7 Locate entrances, exits, signs, fencing, landscaping, and lighting to distinguish between public and private areas, control access, and to guide people coming to and going from the site.

Staff comment: Although a minimal amount of traffic is expected to frequent the site, screening and landscaping of any on-site parking and the remainder of the site would increase compatibility with surrounding and future residential development. Additional crime prevention design elements should be incorporated into the site plan that promote natural surveillance and prevent graffiti.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

CPED Planning Division Report
BZZ – 5305

- **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 requirements:

Building Placement and Design:

- The building would be set back more than 8 feet from the front lot line at approximately 31 feet.
- Landscaping would be located between the building and the front lot line; however, a solid wood fence would obscure views of the landscaping.
- The entrances would face the interior of the site and not the street.
- The north wall of the north building and the south wall of the south building would have blank, uninterrupted walls that do not include windows, entries, recesses or projections or other architectural features that exceed 25 feet in width.
- The primary exterior material would be aggregate. Although the material is durable, it does not meet the intent of the ordinance to promote development that is compatible with nearby properties, neighborhood character, and plans adopted by the city council, and to visually enhance development.
- The principal entrances would not clearly be defined or emphasized through the use of architectural features.
- The west walls facing Garfield Avenue and the east walls facing the parking area are subject to the minimum window requirements. Thirty percent of each wall measured between 2 and 10 feet above grade is 21.6 square feet. No windows are proposed.
- No active functions are proposed.
- A pitched roof is proposed. Most of the nonresidential buildings in the immediate area have flat roofs.

In addition to the above alternative compliance criteria, section 530.120(e) also requires the planning commission to consider the security of the surrounding area and mitigation for any adverse effects through the use of wall enhancements or architectural features that create visual interest.

Because of the nature of the use, strict adherence to the entrance, window, and active function requirements would be impractical. However, no alternatives have been proposed that meet the intent of these ordinances (specifically, compatibility with nearby properties and neighborhood character and to visually enhance development), that are consistent with applicable development plans adopted by the city council, or that mitigate any other adverse effects with wall enhancements or architectural features that create visual interest. It is possible to design a communication exchange facility, such as the facility located at 4234 Nicollet Ave (photos attached), that provides alternatives to meet the intent of the above criteria. Security features indicated on the plan include installing site lighting and retaining the existing solid 6 foot high fence. Specific details for the lighting are not included. The existing fencing would inhibit views into the site from the street and surrounding properties, which are contrary to crime prevention design principals. For these reasons, staff is recommending that the planning commission deny the site plan review application and not grant alternative compliance for this proposal without any amenities to address the adverse effects.

Access and Circulation: A 3-foot wide walkway would connect the entrances to the public sidewalk and on-site parking rather than a 4-foot wide walkway. Because the facilities are not open to the public, strict adherence would be impractical. If the site plan review is to be approved, staff recommends that the planning commission grant alternative compliance to allow a 3-foot wide walkway instead of a 4-foot wide walkway.

Landscaping and Screening:

- The zoning code requires at least one canopy tree for each 500 square feet of required green space. The tree requirement for this site is 2. No canopy trees are proposed.
- If parking is proposed at the rear of the site, it would be located across the alley from residential zoning. Therefore, a 7 foot wide yard is required along the alley with screening that is 6 feet in height and at least 95 percent opaque. No landscaped yard is proposed. (Please note: Although a residential use is located north of the subject site, it is located in the I1 district where it is not a permitted use.) Each parking space is also required to be within 50 feet of an on-site tree. The parking area would not be located within 50 feet of an on-site tree.
- The landscaping plan does not indicate how the remainder of the site not occupied by landscaping, buildings, parking, or driveways would be covered. Those areas are required to be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.

Section 530.220 states that the planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards if any of the following conditions exist in addition to finding any of the above criteria:

- (1) The proposal will allow a site plan of exceptional design that includes amenities such as public seating, an outdoor plaza or transit shelter that will enhance the area or that is more consistent with the design of the site or the surrounding area.
- (2) The proposal will allow a site plan that is more consistent with the character of the area.
- (3) Existing plant materials, walls, fences or the topography of the site and its surroundings make the required landscaping or screening less necessary.
- (4) The required landscaping or screening will hinder truck access and service necessary to the operation of the use.
- (5) The required landscaping and screening may obstruct views of traffic or reduce natural surveillance of the site.

As an alternative, the applicant is proposing 7 ornamental trees and 22 shrubs (9 are required); however, the additional landscaping would not result in an exceptional design. Strict adherence would not be impractical. There are not site conditions or vehicle access requirements that would be adversely affected by complying with the landscaping requirements. Although a minimal amount of traffic is expected to frequent the site, providing a landscaped buffer for any on-site parking and landscaping the remainder of the site would increase compatibility with surrounding and future residential development. For these reasons, staff is recommending that the planning commission not grant alternative compliance for the landscaping and screening requirements.

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 above findings and **deny** the application for a conditional use permit to allow a communication exchange for the property located at 2937 Garfield Avenue South.

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 above findings and **deny** the application for site plan review to allow a communication exchange for the property located at 2937 Garfield Avenue South.

Attachments:

1. PDR comments
2. Applicant statement of use and findings
3. Zoning map
4. Plans
5. Photos of the site
6. Photos of other communication exchange facilities