

**Department of Community Planning and Economic Development**  
Conditional Use Permits and Site Plan Review  
BZZ-5938

**Date:** March 4, 2013

**Applicant:** Hennepin County Environmental Services

**Address of Property:** 505 6<sup>th</sup> Avenue N (aka 419 5<sup>th</sup> Street N)

**Project Name:** Inventory Building

**Contact Person and Phone:** Andy Leith, (612) 348-8993

**CPED Staff and Phone:** Kimberly Holien, (612) 673-2402

**Date Application Deemed Complete:** February 11, 2013

**End of 60-Day Decision Period:** April 12, 2013

**Ward: 5 Neighborhood Organization:** North Loop Neighborhood Association

**Existing Zoning:** I3, General Industrial district

**Proposed Zoning:** N/A

**Zoning Plate Number:** 13

**Lot area:** 363,960 square feet

**Legal Description:** See attachment.

**Proposed Use:** 32,820 square foot addition to an existing waste disposal facility.

**Concurrent Review:**

- Conditional use permit to allow a 32,820 square foot building addition to an existing waste transfer or disposal facility.
- Conditional use permit to increase height in the I3, General Industrial District from four stories, 56 feet to 63'4".
- Site plan review for a 32,820 square foot building addition.

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

**Background:** The applicant, Hennepin County Environmental Services, has submitted applications to allow for a 32,820 square foot building addition to an existing waste disposal

facility known as the Hennepin Energy Recovery Center (HERC). The proposed addition is described by the applicant as an Inventory/District Energy Building and is intended to store spare parts, supplies and mechanical equipment. The mechanical equipment includes equipment for snow melt to the Interchange plaza and equipment to provide heating to the new Covanta administration building to be constructed on the adjacent Interchange site. The statement submitted by the applicant asserts that the building addition is needed because the previous Hennepin County Environmental Services building that was formerly on the subject site was demolished as part of the Interchange project. That building included 14,000 square feet of inventory storage space for the HERC facility. Additional space is also needed for the new mechanical equipment described above.

The proposed addition will have two floors, each with a mezzanine level, and will have a footprint of 12,790 square feet. The addition is proposed on the south side of the existing building, between the ash house and the tipping hall. The first floor and mezzanine will contain storage space and two offices. The second floor and mezzanine will house the snow melt mechanical equipment and space for additional equipment for a district energy system.

The existing waste disposal facility is a conditional use in the I3, General Industrial district and therefore the building addition requires a conditional use permit. Additions over 1,000 square feet also require site plan review. In total, the addition will be 32,820 square feet in area.

The maximum height in the I3, Medium Industrial district is four stories of 56 feet, whichever is less. The proposed addition will have a maximum height of 63'4" and a conditional use permit for increased height has been submitted accordingly.

The existing waste disposal facility received a conditional use permit in 1987 to allow the construction and operation of a large-scale energy recovery facility. The facility is a mass-burn municipal waste combustor owned by Hennepin County and operated by a subsidiary of Covanta Energy. The initial permit was approved with seven conditions, as follows:

1. The resource recovery facility shall not exceed a size and capacity necessary to reclaim, burn, use, process or dispose of more than 1,000 tons average daily throughput of mixed municipal solid waste.
2. Compliance shall be required with all emission standards specified in the permit approved by the MPCA on January 27, 1987.
3. All reports required to be furnished to the City of Minneapolis by the permit by Agency regulations shall be furnished to the City of Minneapolis at the time such reports are furnished to the MPCA.
4. The applicant shall furnish to the City of Minneapolis all records requested by the City to allow it to determine compliance with condition No. 1.

5. The resource recovery facility shall have two scales for truck and garbage weighing, in order to facilitate the movement of vehicles on and off the property.
6. Fly ash and bottom ash shall be tested monthly for one year after the initial base line testing has been completed. Thereafter, testing shall be done annually. Appropriate procedures as determined by the MPCA shall be used in all testing and disposal of fly ash, bottom ash or any other hazardous materials.
7. The furnaces or boilers shall be inspected annually for chlorine corrosion with reports thereof to the MPCA and the City of Minneapolis. Devices shall be appropriately used to provide advance warning of potential problems which may be caused by chlorine corrosion.

The applicant submitted an application in 2009 to amend the conditional use permit as it relates to condition #1 above, to increase the average daily throughput of the facility. Specifically, the request is to allow the facility to process at the designed capacity of 1,212 tons per day (TPD). That application is still pending on appeal before the Zoning and Planning Committee of the City Council as the MPCA conducts an environmental review of the facility and evaluates an air permit application. The EAW application was still incomplete as of the writing of this staff report. The subject application for a building addition has been reviewed by the MPCA and the City Attorney's Office and it has been concluded that the proposed addition is not related to the request to increase the average daily throughput and thus, the subject application can proceed while the environmental review is underway. The proposed addition has been accounted for in applicable materials submitted to the MPCA.

No correspondence had been received from the North Loop Neighborhood Association as of the writing of this report. Any correspondence, if received, will be forwarded to the Commission for review.

**CONDITIONAL USE PERMIT: (to allow an addition to an existing waste disposal facility.)**

**Findings as Required by the Minneapolis Zoning Code:**

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

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

CPED staff finds that allowing the proposed addition to the existing waste disposal facility will not be detrimental to or endanger the public health, safety, comfort or general welfare. The conditional use permit for the existing facility was approved in 1987. The proposed addition will not have any impact on the previous conditions of approval or result in adverse off-site impacts. The addition is intended to provide for inventory storage that was displaced

when the previous HERC administration building was demolished as part of the Interchange project. There is no change to the types of materials that will be stored on site. The addition will also house mechanical equipment to provide snow melt to the Interchange plaza and heat to the new administration building to be constructed as part of the Interchange project. The snow melt equipment includes heat exchangers, pumps and expansion tanks that will not constitute any new emission sources. The addition is designed in a manner that is compatible with the existing facility and will be flanked by the existing facility on the southeast and southwest sides. The addition is not expected to have any impact on air quality, dust, traffic or stormwater runoff. Likewise, the addition is not expected to result in increased noise or vibration. These elements are evaluated in more detail in the Specific Development Standards section near the end of this report.

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

Expanding the existing facility with a 32,820 square foot addition will not be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. As stated above, the addition will accommodate inventory storage and mechanical equipment. The inventory storage was previously accommodated elsewhere on the site in a building that has been demolished. The use has been in existence at this location for more than 20 years and significant development has occurred in the area in that time. Target Field was constructed directly east of the site in 2008 and in August of 2012 the Interchange, a new multi-modal transportation hub, was approved directly north of the site. New multi-family residential developments have also been approved in the general vicinity in the last year.

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

The site is served by existing infrastructure and access would not be impacted as part of the addition. The Public Works Department has reviewed the project as part of the required Preliminary Development Review and will review the final plans for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The proposed addition is not expected to result in increased traffic to or from the site. The equipment and supplies that will be stored in the proposed addition will not require any additional vehicle trips or result in additional employees on site. HERC currently receives an

average of 210-220 trucks per day during the week, 60-70 trucks per day on Saturdays and 25 trucks on Sundays. In the last four years, there were instances when the number of trucks exceeded 230 per day. A complete summary of truck traffic has been provided by the applicant to address the specific development standards and has been included as an attachment to this report.

Access routes to the facility will not be impacted by the addition. The site has one access point from 6<sup>th</sup> Avenue N. As part of the Interchange project that was approved by the City Planning Commission in 2012, a registered land survey (RLS) was conducted to separate the HERC site from the site for the proposed Interchange project. That RLS modified lot lines in a manner that resulted in the HERC site losing frontage on 6<sup>th</sup> Avenue N. A cross access easement was required to allow access to the HERC site from 6<sup>th</sup> Avenue N.

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

*The Minneapolis Plan for Sustainable Growth* designates the site as a transitional industrial area on the future land use map. This land use designation is given to areas suitable for industrial development. Transitional industrial districts specifically may transition to other uses over time. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

**Land Use Policy 1.1: 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.**

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

**Public Services and Utilities Policy 5.1: Coordinate facility planning among city departments and public institutions.**

5.1.1 Encourage communication and coordination among city departments, Hennepin County, Minneapolis Park and Recreation Board, and Minneapolis Public Schools to share use of facilities.

5.1.2 Explore opportunities for co-location of public services where appropriate.

**Environment Policy 6.1: Integrate environmental, social and economic goals into decision-making processes at all levels.**

- 6.1.1 Increase usage of renewable energy systems consistent with adopted city policy.
- 6.1.4 Invest in energy efficient heating ventilation and air conditioning (HVAC) and lighting systems, controls and sensors that minimize emission and noise, use of renewable fuel sources, and utilization of best available control technology to minimize particulate emissions.

**Environment Policy 6.2: Protect and enhance air quality and reduce greenhouse gas emissions.**

- 6.2.1 Work at the state and regional level to encourage analysis and implementation of sustainable energy generation within the city, including energy produced by renewable fuels, co-generation facilities, and clean alternative fuels.

**Environment Policy 6.10: Coordinate and operate waste management programs that focus on reducing, reusing and recycling solid waste prior to disposal.**

- 6.10.11 Assign waste that cannot be reused, recycled or composted to facilities that recover some of the energy value in garbage.

The proposed addition is consistent with the above policies of *The Minneapolis Plan for Sustainable Growth*. The addition will house mechanical equipment that will be used to provide heat to the new Covanta administrative offices on the adjacent Interchange site and equipment that will provide for snow melt in the Interchange plaza. The addition will allow the Interchange site and the HERC site to share resources, consistent with the Public Service and Utilities policies above.

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

With the approval of the conditional use permit and site plan review this development would be in conformance with the applicable regulations of the zoning code, as evaluated below.

**CONDITIONAL USE PERMIT: (to increase height in the 13 district from 4 stories, 56 feet to 63'4".)**

**Findings as Required by the Minneapolis Zoning Code:**

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

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

Increasing the height of the proposed addition from 4 stories, 56 feet to 63'4" will not be detrimental to or endanger the public health, safety, comfort or general welfare. The addition will have two floors, each with a mezzanine level. Due to grade changes in this particular location, portions of the addition are only 43 feet in height. The existing building is approximately 200 feet in height at the tallest point. The portions of the building that are directly adjacent to the proposed addition to the north and east are significantly taller than the proposed. As such, the requested height is not expected to have any adverse off-site impacts. The addition is intended to provide for inventory storage that was displaced when the previous HERC administration building was demolished as part of the Interchange project and to house mechanical equipment to provide snow melt to the Interchange plaza and heat to the new administration building to be constructed as part of the Interchange project. The proposed height is necessary to accommodate the proposed equipment.

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

The height of the proposed addition will not be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The existing facility is approximately 200 feet tall at the highest point and the proposed addition will directly abut one of the tallest portions of the building. The use has been in existence at this location for more than 20 years and significant development has occurred in that time. Target Field was constructed directly east of the site in 2008 and in August of 2012 the Interchange, a new multi-modal transportation hub, was approved directly north of the site. New multi-family residential developments have also been approved in the general vicinity in the last year.

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

The site is served by existing infrastructure and access would not be impacted as part of the addition. The Public Works Department has reviewed the project as part of the required Preliminary Development Review and will review the final plans for compliance with standards related to access and circulation, drainage, and sewer/water connections. The applicant would be required to work closely with the Public Works Department, the Plan Review Section of CPED and the various utility companies during the duration of the development should the plan be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The proposed height is not expected to result in increased traffic to or from the site. The equipment and supplies that will be stored in the proposed addition will not require any additional vehicle trips or result in additional employees on site. HERC currently receives an

average of 210-220 trucks per day during the week, 60-70 trucks per day on Saturdays and 25 trucks on Sundays. In the last four years, there several instances when the number of trucks exceed 230 per day. A complete summary of truck traffic has been provided by the applicant to address the specific development standards and has been included as an attachment to this report.

As noted above, access routes to the facility will not be impacted by the addition. The site has one access point from 6<sup>th</sup> Avenue N. As part of the Interchange project that was approved by the City Planning Commission in 2012, a registered land survey (RLS) was conducted to separate the HERC site from the site for the proposed Interchange project. That RLS modified lot lines in a manner that resulted in the HERC site losing frontage on 6<sup>th</sup> Avenue N. A cross access easement was required to allow access to the HERC site from 6<sup>th</sup> Avenue N.

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

*The Minneapolis Plan for Sustainable Growth* designates the site as a transitional industrial area on the future land use map. This land use designation is given to areas suitable for industrial development. Transitional industrial districts specifically may transition to other uses over time. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

**Land Use Policy 1.1: 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.**

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

**Public Services and Utilities Policy 5.1: Coordinate facility planning among city departments and public institutions.**

5.1.1 Encourage communication and coordination among city departments, Hennepin County, Minneapolis Park and Recreation Board, and Minneapolis Public Schools to share use of facilities.

5.1.2 Explore opportunities for co-location of public services where appropriate.

**Environment Policy 6.1: Integrate environmental, social and economic goals into decision-making processes at all levels.**

- 6.1.1 Increase usage of renewable energy systems consistent with adopted city policy.
- 6.1.4 Invest in energy efficient heating ventilation and air conditioning (HVAC) and lighting systems, controls and sensors that minimize emission and noise, use of renewable fuel sources, and utilization of best available control technology to minimize particulate emissions.

**Environment Policy 6.2: Protect and enhance air quality and reduce greenhouse gas emissions.**

- 6.2.1 Work at the state and regional level to encourage analysis and implementation of sustainable energy generation within the city, including energy produced by renewable fuels, co-generation facilities, and clean alternative fuels.

**Environment Policy 6.10: Coordinate and operate waste management programs that focus on reducing, reusing and recycling solid waste prior to disposal.**

- 6.10.11 Assign waste that cannot be reused, recycled or composted to facilities that recover some of the energy value in garbage.

The proposed height is consistent with the above policies of *The Minneapolis Plan for Sustainable Growth*. The addition will house mechanical equipment that will be used to provide district energy to the new Covanta administrative offices on the adjacent Interchange site and equipment that will provide for snow melt in the Interchange plaza. The addition will allow the Interchange site and the HERC site to share resources, consistent with the Public Service and Utilities policies above.

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

With the approval of the conditional use permit and site plan review this development would be in conformance with the applicable regulations of the zoning code, as evaluated below.

**ADDITIONAL STANDARDS TO INCREASE MAXIMUM HEIGHT**

In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the maximum height:

**1. Access to light and air of surrounding properties.**

This proposed addition would not have significant impacts on the amount of light and air that surrounding properties receive. The addition will have a setback of approximately 320 feet from the southeast property line (common property line with Cedar Lake Trail) and a setback of approximately 125 feet from the southwest property line. The significant setbacks

proposed will allow for adequate access to light and air. The addition is on the south side of an existing building and will have no impacts on the properties to the north.

**2. Shadowing of residential properties or significant public spaces.**

Based on the attached shadow study, no significant shadowing impacts are expected from the proposed addition. Mary's Place, a residential use, is located south of the site and there are other landmark buildings in the area. However, these uses would not be impacted by shadowing from the addition. Target Field is directly adjacent to the site to the southeast and could be considered a significant public space. The Cedar Lake Trail also runs along the southeast property line. The addition is located on the south side of an existing building. The height of the existing facility is significantly taller and the majority of the shadowing produced from the site will come from existing building(s).

**3. The scale and character of surrounding uses.**

The proposed height should have no impact on the character of surrounding uses. The existing facility has been located at this site for more than 20 years. Land uses within 350 feet of the site include Target Field (baseball stadium), the future Interchange project, an overnight shelter, Sharing and Caring Hands, a City of Minneapolis Public Works maintenance facility, a Metropolitan Council bus maintenance facility and office building, an automobile convenience facility, The Ford Center (office use), two general industrial uses and the Fulton Brewery. The addition will be significantly shorter than portions of the existing building. The proposed addition is on the south side of the existing building and will have limited visibility from adjacent uses.

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

There are no landmark buildings, significant open spaces or water bodies near the development site that would be affected by the height of the proposed building.

**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 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 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 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. 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.

The existing industrial building is located in the center of the site bordered by 7th Street N, 6<sup>th</sup> Avenue N, 5<sup>th</sup> Street N and the Cedar Lake Trail. The proposed addition would be located on the south side of the building, facing 7<sup>th</sup> Street N. The setback from the southwest property line (7<sup>th</sup> Street) is approximately 165 feet. The setback from the southeast property line is 320 feet. The addition will have two entrances; one facing 7<sup>th</sup> Street N and one facing the southeast lot line. These entrances are not intended for public access. Alternative compliance is required for the building setback greater than eight feet. Staff recommends granting alternative compliance due to nature of the use and the fact that there is a significant grade change between 7<sup>th</sup> Street N and the site. No amenities are proposed between building and the street.

There is no surface parking proposed or existing on site.

The addition has blank walls that exceed 25 feet in length on all three exterior elevations. Alternative compliance is requested to allow said blank walls. Given the industrial nature of the use and the fact that the proposed design is consistent with the existing building, staff recommends granting alternative compliance to allow blank walls in excess of 25 feet.

Plain face concrete block would not be used as a primary exterior material.

The primary exterior material for the addition is an insulated metal panel to match the existing building. A brown horizontal band is proposed at a height of 26 feet, also consistent with the remainder of the building. The metal panel is a durable material. Please note, exterior material changes at a later date would require review by the Planning Commission and an amendment to the site plan review.

The minimum requirement for the use is 30 percent of the first floor and 10 percent of the upper floors that face a public street, public sidewalk, public pathway or on-site parking lot.

The southwest elevation of the addition faces 7<sup>th</sup> Street N and the southeast elevation faces the Cedar Lake Trail. No windows are proposed for the addition due to the nature of the use. Staff recommends granting alternative compliance for this provision, again due to the industrial nature of the use and the nature of the mechanical equipment that is proposed to be stored within the addition. The existing building is not subject to the window provisions as no changes are proposed to the existing structure at this time.

The use is industrial and therefore not subject to the ground floor active functions provision.

The proposed roofline is flat, consistent with the existing building.

**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 proposed entrances into the addition are not connected to the public sidewalk. The building and site are not accessible to the general public and likewise, the addition is not accessible to the general public. The addition will be used for storage of inventory and mechanical equipment on a large industrial site. The addition faces 7<sup>th</sup> Street N but the public street is elevated above the site in this location and there are no pedestrian connections.

No transit shelters are proposed or adjacent to the site. However, a multimodal transportation facility is being constructed directly adjacent to the site and the need proposed addition is related to the construction for that adjacent use.

Access routes to the facility will not be impacted by the addition and the proposed addition is not expected to have any impact on traffic circulation. The site has one access point from 6<sup>th</sup> Avenue N. Trucks circulate to the south side of the site first, then enter the tipping hall on the southeast side of the proposed addition and exit back out to 6<sup>th</sup> Avenue N. The site does not accommodate any pedestrian traffic. HERC currently receives an average of 210-220 trucks per day during the week, 60-70 trucks per day on Saturdays and 25 trucks on Sundays. In the last four years, there have been several instances when the number of trucks exceeds 230 per day. Annually, 73,282 trucks visit the site. A complete summary of truck traffic has been provided and is included as an attachment to this report. The site does not have alley access.

The entrances into the addition are not connected to the public sidewalk with walkways. As stated above, the site is not accessible to the general public and likewise the building addition does not include any public entrances. The public sidewalk along 7<sup>th</sup> Street N is significantly elevated above the site. Alternative compliance is requested for this provision.

The proposed addition will not impact the amount of impervious surface on site. While the site contains a significant amount of impervious surface, a site-wide landscaping project was conducted in 2009 to substantially increase the amount of green space and number of plantings on site.

#### **LANDSCAPING AND SCREENING:**

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
  - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
  - A decorative fence.
  - A masonry wall.
  - A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**
- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering 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 zoning code requires that at least 20 percent of the site not occupied by buildings be landscaped. The area of the site is 363,960 square feet. The building footprint is 110,490 square feet. The net lot area is 169,340 square feet, of which at least 20 percent (33,868 square feet) must be landscaped. 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 68 and 339 respectively.

The total landscaped area on the site is approximately 90,000 square feet, equivalent to 53.1 percent of the site not occupied by buildings. A significant landscaping project was conducted on the site in 2009 that included 192 canopy trees, 1,375 shrubs, 32,845 square feet of native grass plantings and 3,242 perennials. The existing landscaping on site exceeds the minimum requirements. The majority of the landscaping is located along the southeast

property line, between the facility and the adjacent Target Field. No changes to landscaping are proposed at this time.

The zoning code requires a landscaped yard a minimum of seven feet in width with plantings a minimum of three feet in height and 60 percent opaque between parking and loading areas and adjacent public streets. Truck queuing occurs along the south property line, adjacent to 7<sup>th</sup> Street N. However, 7<sup>th</sup> Street N is significantly elevated above the site. No landscaping is proposed between the truck scale/queuing area and the street and alternative compliance has been requested. All of the parking for the use is provided off-site and therefore no additional landscaping standards apply.

All areas not covered by buildings, parking, loading, sidewalks and the like will be landscaped.

**ADDITIONAL STANDARDS:**

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

There is no on-site parking for the facility. The existing stormwater management accommodations for the site will not be impacted by the proposed addition. The site utilizes existing storm sewer infrastructure. A full stormwater pollution prevention plan (SWPP) was submitted as part of the application, per the specific development standards for the use. Provisions for stormwater have been reviewed by Public Works as part of the PDR process and that report has been attached for review.

The building addition would not impede any views of important elements of the city.

Target Field is directly adjacent to the site to the southeast and could be considered a significant public space. The Cedar Lake Trail also runs along the southeast property line. Based on the attached shadow study, no significant shadowing impacts are expected from the proposed addition. The addition is located on the south side of an existing building. The

height of the existing facility is significantly taller and the majority of the shadowing produced from the site will come from existing buildings.

Wind currents should not be a major concern.

The building addition is isolated on the interior of a large site and is not open to the public. The siting of the building helps to achieve crime prevention through environmental design.

The site is not within a historic district and the building is not designated.

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

**ZONING CODE** – Waste transfer or disposal facilities are a conditional use in the I3, General Industrial district and a conditional use permit has been requested accordingly.

**Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* The parking requirement for a waste transfer or disposal facility is as approved by the conditional use permit. The original site plan approved as part of the 1987 conditional use permit for this use included a surface parking lot with 52 spaces adjacent to the administration building. On August 27, 2012 a Registered Land Survey (RLS) was approved as part of the land use application for The Interchange at 417 5<sup>th</sup> Street N. The RLS established various tracts to separate the Interchange site from the HERC site. As part of this, the surface parking lot that was formerly part of the HERC site was subdivided from the property. Parking for the HERC facility will now be provided within the Interchange project. A total of 32 parking stalls are proposed within the lower level of the new HERC office building and 25 surface stalls would serve the HERC facility on the adjacent site. Per Section 541.170 of the zoning code, off-site parking for the use is permitted if it is provided in a shared parking facility on an adjacent parcel. The Interchange is considered to have a shared parking facility as part of a multi-modal transportation hub and therefore off-site parking is allowed.

*Maximum automobile parking requirement:* The maximum automobile parking requirement for a waste transfer or disposal facility is as determined by the conditional use permit. As noted above, all parking for the use will be provided within the adjacent Interchange project.

*Bicycle parking requirement:* The use does not have a bicycle parking requirement, nor is bicycle parking proposed as part of the project.

*Loading:* The loading requirement for a waste disposal or transfer facility is high. For uses over 100,000 square feet, the requirement is three large (12' x 50') spaces plus one for each 100,000 gross square feet of floor area. For the 194,620 square foot building, four large loading spaces are required. The entire south side of the site is dedicated to loading activities, exceeding the four-space minimum.

**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. No new dumpsters are proposed as part of this project.

**Signs:** No new signage is proposed as part of the project.

**Lighting:** A photometric plan was not submitted as part of the application. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapter 535 of the zoning code and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** The maximum floor area ratio (FAR) in the I3 district is 2.7. The applicant is proposing a total of 194,620 square feet of gross floor area on this 363,960 square foot lot for a floor area ratio of .53, within the parameters allowed.

**Minimum Lot Area:** Not applicable for this application.

**Dwelling Units per Acre:** There are no dwelling units proposed as part of this project.

**Height:** The maximum height allowed in the I3 district is four stories or 56 feet, whichever is less. The height of the proposed addition is 63'4". A conditional use permit for increased height has been submitted and staff is recommending approval of the application, as evaluated above.

**Yard Requirements:** No setback requirements apply to this use in the I3 district. The addition will have a setback of 125 feet from the southwest property line and 320 feet from the southeast property line.

**Building coverage:** Not applicable for this application.

**Impervious surface area:** Not applicable for this application.

### **SPECIFIC DEVELOPMENT STANDARDS**

The specific development standards for a waste transfer or disposal facility are as follows:

Waste transfer or disposal facilities shall be located at least three hundred (300) feet from any residence or office residence district. There is no residential zoning within 300 feet of the site. All waste transfer or disposal facilities shall also provide the following with any application for conditional use permit:

- (1) A vicinity plan that includes the following:

- a. A description of natural features, including streams, rivers, lakes, wetlands and major topographical features located within three hundred fifty (350) feet of the site.

*Staff comment: The use is not within 350 feet of any of the aforementioned features.*

- b. A description of the proposal and how it compares to land uses within three hundred fifty (350) feet of the site.

*Staff comment: Land uses within 350 feet include Target Field (baseball stadium), the future Interchange project, an overnight shelter, Sharing and Caring Hands, a City of Minneapolis Public Works maintenance facility, a Metropolitan Council bus maintenance facility and office building, an automobile convenience facility, The Ford Center (office use), two general industrial uses and the Fulton Brewery. The use has been located on site for more than 20 years and was established on the site prior to many of the uses listed above.*

- c. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.

*Staff comment: The statement submitted by the applicant commits to proper handling of any contaminated soils found during the construction process. Any contamination encountered will be handled in accordance with a Response Action Plan (RAP) that has been approved by the MPCA. A copy of the MPCA approval letter of said RAP is attached for reference.*

- (2) An air quality plan describing stationary and mobile source air emissions, their quantities and composition, and indicating conformance with all applicable air quality regulations.

*Staff comment: The proposed addition will not increase air emissions from the facility above present levels because the building does not contain any new mobile or stationary sources of air emissions. The existing facility air emissions are currently being modeled as part of the MPCA permit renewal and EAW process that relates back to BZZ-4401. As part of this process, the MPCA has taken responsibility for the aspects of the air modeling.*

- (3) A dust management plan describing dust emission sources, their quantity and composition, and how dust will be collected, managed and disposed of, and indicating conformance with all applicable dust emission regulations.

*Staff comment: A dust management plan for the facility is attached for reference. The dust emission sources are also being evaluated by the MPCA as part of the permit renewal and EAW process. The proposed addition is not expected to have any dust-related impacts.*

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

*Staff comment: The proposed addition will not increase noise emissions from the site above present levels. All activity associated with the addition will be conducted within the building to contain any noise. Covanta has continually monitored noise levels at the site and made modifications when necessary to reduce noise levels on-site and off-site. A detailed sound attenuation plan is attached for reference.*

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

*Staff comment: The proposed addition will not generate any vibrations because it will not contain any mechanical equipment of a size or type that is known to generate perceptible external vibrations.*

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

*The stormwater management plan for the facility was submitted as part of the application and reviewed by the Surface Waters and Sewers Division of Public Works as part of the PDR process. The PDR report is attached for reference.*

- (7) A landscape plan showing compliance with the requirements of [Chapter 350](#), Recycling Activities and Salvage Yards, of the Minneapolis Code of Ordinances and [Chapter 530](#), Site Plan Review.

*A significant landscaping project was conducted on the site in 2010 to improve aesthetics and reduce odors. The landscaping is in compliance with Chapter 530, Site Plan Review, as evaluated above.*

- (8) A traffic plan describing the number of truck trips the proposal will generate and the principal access routes to the facility, including a description of the facility's traffic impact on the surrounding area.

*Staff comment: The proposed addition is not expected to have any impact on traffic. The equipment and supplies that will be stored in the proposed addition will not require any additional vehicle trips or result in additional employees on site. HERC currently receives an average of 210-220 trucks per day during the week, 60-70 trucks per day on Saturdays and 25 trucks on Sundays. In the last four years, there have been several instances when the number of trucks exceeds 230 per day. Annually, 73,282 trucks visit the site. Access routes to the facility will not be impacted by the addition. The site has one access point from 6<sup>th</sup> Avenue N. A complete summary of truck traffic has been provided and is included as an attachment to this report.*

### **MINNEAPOLIS PLAN**

Please see the conditional use permit sections of this report.

### **SMALL AREA PLANS**

The site is within the study area of the *Downtown East/North Loop Master Plan* and the update to said plan, the *North Loop Small Area Plan*. In the *Downtown East/North Loop Master Plan*, the site is located in what is identified as Development Precinct 12: Municipal Service. For this precinct, the plan states the following:

*“Given the investment made to locate major institutional uses in this precinct (The Hennepin Energy Resource Center and the Metro Transit facility) major redevelopment in this precinct is not likely or recommended. However, in keeping with the proposal put forth in the Hennepin County Station Area Plan, the berm along North 5th Street and Sixth Avenue North could be redeveloped with a band of medium-density, mixed use development that houses commercial or government offices and, perhaps, low-impact light industrial development. Wrapping the site with active uses would help to create a buffer between the Energy Resource Center and the developing neighborhoods to the north and east.”*

The *North Loop Small Area Plan* also recognizes the challenges for development near the HERC site but makes no specific recommendations for the site.

### **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:**

Alternative compliance is requested to allow the building to be setback more than eight feet from the property line and for the absence of pedestrian connections from the addition to the public sidewalk. The addition is proposed in the center of an industrial site that is not accessible to the general public. The proposed setback will allow for least amount of disruption to truck traffic circulation patterns. The site is not accessible from 7<sup>th</sup> Street N in this location due to the grade change. Therefore, staff recommends granting alternative compliance for these requirements.

Alternative compliance is requested to allow blank walls in excess of 25 feet on all elevations of the addition. Staff recommends granting alternative compliance due to the industrial nature of the use and the fact that the proposed addition is designed in a manner consistent with the existing building. Likewise, alternative compliance has been requested for the minimum window requirements. The proposed addition is intended to be used for storage and to house mechanical equipment. Again, due to the industrial nature of the use and the addition, staff recommends granting alternative compliance for the window requirements.

The zoning code requires a landscaped yard a minimum of seven feet in width with plantings a minimum of three feet in height and 60 percent opaque between parking and loading areas and adjacent public streets. Truck queuing occurs along the south property line, adjacent to 7<sup>th</sup> Street N. However, 7<sup>th</sup> Street N is significantly elevated above the site. No landscaping is proposed between the truck scale/queuing area and the street and alternative compliance has been requested. Staff recommends granting alternative compliance due to the grade change between the loading area and the street. The landscaping elsewhere on the site exceeds the minimum requirements of the Site Plan Review chapter to serve as an alternative to this requirement.

**RECOMMENDATIONS:**

**Recommendation of the Department of Community Planning and Economic Development for the conditional use permit for a waste disposal facility:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and approve the conditional use permit for a waste disposal facility for the property at 505 6<sup>th</sup> Street N, subject to the following conditions:

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

**Recommendation of the Department of Community Planning and Economic Development for the conditional use permit to increase height from 2.5 stories, 35 feet to 63'4":**

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit for increased height for the property at 505 6<sup>th</sup> Avenue N, 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 for the site plan review:**

The Department of Community Planning and Economic Development recommends that the City Planning Commission **approve** the site plan review application for a 32,820 addition to an existing waste disposal facility at 505 6<sup>th</sup> Avenue N, subject to the following conditions:

1. All site improvements shall be completed by December 3, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
2. Planning Staff review and approval of the final site, elevation, landscaping and lighting plans before building permits may be issued.

**Attachments:**

1. Statement of findings and project description
2. Correspondence
3. Zoning map
4. PDR Report
5. Site plan, floor plans and elevations
6. Specific development standards
7. Shadow study
8. Photos