

**Department of Community Planning and Economic Development—Planning Division  
Site Plan Review  
BZZ-2068**

**Hearing Date:** 11/22/04

**Applicant:** Ryan Companies US, Inc., 50 S. 10<sup>th</sup> St., Suite 300, Minneapolis, MN 55403

**Address of Property:** 2016 28<sup>th</sup> St. E.

**Project Name:** Hiawatha Business Park

**Contact Person and Phone:** Lee Kopyy, 612-492-4498

**Staff Contact Person and Phone:** J. Michael Orange, Principal Planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: [michael.orange@ci.minneapolis.mn.us](mailto:michael.orange@ci.minneapolis.mn.us)

**Date Application Deemed Complete:** 11/2/04

**End of 60-Day Decision Period:** 1/1/05

**End of 120-Day Decision Period:** N/A

**Ward:** 6      **Neighborhood Organization:** East Phillips Improvement Coalition

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

**Zoning Plate Number:** 27

**Proposed Use:** Ryan Companies US Inc. proposes to build a single-story, 62,000 sq. ft. office warehouse on the site located at 2816 28<sup>th</sup> St. E. plus 220 surface parking stalls.

**Prior approvals:** None

**Concurrent Review:** Major Site Plan Review

**Applicable zoning code provisions:** Chapter 530 Site Plan Review

**Background:**

**The project:** The project is a new office warehouse facility, which is a permitted use on the site (I3 zoning). The project will include 60,200 sq. ft. single-story building and 218 parking stalls. Due to the contamination, this site has been vacant for a long time and, as such, has been a detriment to further development. The new office warehouse use will be compatible with the

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commercial and industrial uses that surround the site and may spur additional redevelopment in the area.

The Preliminary Plan Review Committee comprised of City staff reviewed the project on 10/6/04 and made suggestions all of which were accepted by the applicant.

**Pollution remediation:** The site is contaminated and is in the process of being remediated, nonetheless, some contamination will remain. After the removal of contaminated soil, which is ongoing, the project will cap all areas that may contain pollution residues. The site will be cleaned to meet “commercial” land use standards but some residual pollution may remain. The former owner, the Minnesota Department of Agriculture, and the current owner’s consultant, Peer Environmental, recommend the building cover the remaining “hot spot” in order to provide the best protection against leaching. To prevent stormwater from leaching and mobilizing these residues, the applicant will place the building location above the “hot spot” (the area where the highest concentration of residues may remain), cap the other areas of concern with parking and drive lanes, and, where needed, place a liner three feet below any landscaping areas where subsurface residues are likely to be located.

The site includes a stormwater management pond in the northern most triangle of land where the soils are the cleanest. Public Works will require the completion of a storm water management plan for the project.

The building’s location in the center of the site with parking between it and the streets is inconsistent with the policies of the *Minneapolis Plan* and the Zoning Code’s site plan review requirements that call for buildings to be located up to the street and not separated from it by parking. The applicant’s statement follows: “Ryan Companies has designed the site to place the proposed building directly over the location of the highest soil contamination levels (the ‘hot spot’). Although the site will be cleaned to a depth of over 20 feet, both the existing property owner’s engineer, Peer Engineering, and the Minnesota Department of Agriculture (MDA) prefer to have the building located over the ‘hot spot.’” Attachment 6 includes two alternative building placements that address this issue (refer also to the applicant’s submittal in Attachment 7).

Ryan states that there are three primary reasons for the location:

- **Contamination:** The site is contaminated and since asphalt and liners can eventually leak, the best protection is the building.
- **On-site traffic:** The applicant desires to separate truck traffic from the other vehicular traffic. Given the triangular site, the applicant claims that the proposed site plan is the best arrangement to accomplish this and provide sufficient space for on-site truck movements.

- **Curb cut location:** The curb cut on 28<sup>th</sup> St. must be sufficiently to the west of the intersection with Hiawatha to prevent queuing problems for eastbound vehicles and trucks.

Attachment 10 includes a letter of support for the project and the location of the building from the Hi-Lake Business Association. Planning staff have received no comment to date from the neighborhood group although the applicant notified the group of the project on 10/14/04.

## **SITE PLAN REVIEW**

### **Findings as Required By the Minneapolis Zoning Code for the Site Plan Review Application:**

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

Section B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan (refer to the above discussions).

Section C. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).

### **Section A: Conformance with Chapter 530 of Zoning Code**

#### **Building Placement and Facade:**

- **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.**
- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
  - **Residential uses shall be subject to section 530.110 (b) (1).**
  - **Nonresidential uses shall be subject to section 530.110 (b) (2).**

- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

**Planning Division Evaluation of Building Placement and Façade Requirements:**

- The building is located in the middle of the site and surrounded by parking lots. The Zoning Code and the policies of the Minneapolis Plan require buildings be located close to the street, especially in areas close to LRT stations and commercial areas (Lake St. and the LRT station at Hiawatha and Lake are a little over ¼ mile to the southeast).
- Inconsistent with the Code, the area between the building and the street is dominated by parking.
- This is a triangular site with roads on two sides and the Midtown Greenway on the third. As such, it is impossible for the use to restrict parking to the side or rear of the site and on-site pollution prohibits underground parking.
- As an office warehouse, there are multiple entrances along all but the rear facades.
- All facades but the loading area include common elements of architectural interest and building materials (brick and architectural stone), and more than 30% windows on the first (and only) floor.

**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 530.140 (b).**
- **Areas for on-site snow storage are provided.**
- **Site plans shall minimize the use of impervious surfaces.**

**Planning Division Evaluation of Access and Circulation:**

- Public Works has required the completion of the Travel Demand Management Plan (however, the Zoning Code does not).
- All entrances are connected to the on-site sidewalks; however, there are no connections to the public sidewalk on Hiawatha or to the one on 28<sup>th</sup> St.
- Access will be via two curb cuts on 28<sup>th</sup> St. The applicant will work with Public Works to locate the exact location of the easternmost curb cut. Its alignment must take into account the location of 21<sup>st</sup> Ave. to the south and also be sufficiently to the west to allow adequate queuing space for eastbound traffic at Hiawatha and 28<sup>th</sup> St. The western curb

cut will provide truck access. This segment of 28<sup>th</sup> St. between Cedar Ave. and Hiawatha Ave. is a truck route.

- All stormwater and drainage will be managed on site in accordance with the stormwater management plan that the applicant must get approval for from Public Works.
- A segment of the Midtown Greenway is under construction on the western boundary of the site. This will provide excellent bicycle access to the site.
- There are adequate on-site areas for snow storage.
- All areas not covered by the building, parking, and walkways are landscaped in order to minimize 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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

**Planning Division Evaluation of Landscaping and Screening:**

- The site (217,018 sq. ft.) less the footprint of the building (62,100 sq. ft.) equals a net site of 154,918 sq. ft. The project includes 61,216 sq. ft. of landscaping, which equals 40% of the net site.
- The landscape plan has more than the minimum amount of shrubs and trees for landscaped areas.
- The project includes 196 stalls and there are numerous areas of landscaping that break up the parking lots (as is required for parking lots over 200 stalls).
- The applicant expects that the maximum amount of office space versus warehousing will be an 90/10 split. The office component of this most intense case would require 167 stalls ((60,200 X 90%)-4,000 / 300). The remaining warehouse space would require 6 spaces ((60,200 X 10%) / 1,000) for a total of 173 spaces. Thus, the most intense version of the project provides 23 more stalls than the minimum required by the Zoning Code (13% more than required).
- Another possible scenario is a 50/50 split. In which case, the parking requirement would be 87 stalls for the office and 30 stalls for the warehousing for a total of 117 stalls, 79 less than provided (an excess of 68%).
- The project includes more landscaping than the minimum required.
- The current plan provides the required 8-ft. yards, landscaping, and screening for the parking areas per 530.160 (b).

**Additional Standards:**

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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: The Police Division has reviewed the plans.**
- **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.**

**Planning Division Evaluation of the Additional Standards:**

- The applicant's lighting plan is in compliance with the lighting requirements in the Zoning Code. No fixtures will create off-site glare.
- The landscaping of the parking lots will block headlight glare and screen the vehicles.
- The single-story height of the structure will not cause a blocking of important views or pedestrian-level winds, nor will the height create excessive shadowing.
- The Police Department reviewed the site plan.
- There are no historic district issues.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan**

**ZONING CODE:**

**Hours of Operation:** Hours businesses can be open to the public in the I3 District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. through 11:00 p.m. Friday and Saturday. The applicant will comply with these standards.

**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.

Trash will be enclosed in the building.

**Signage:** All new signage is required to meet the requirements of the Zoning Code and permits are required from the Zoning Office.

The applicant has not provided a signage plan, but is aware that all new signage is required to meet the standards of the code.

**MINNEAPOLIS PLAN:**

Applicable policies of the *Minneapolis Plan*:

**Policy 9.11: Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.**

**Implementation Steps (selected):**

- Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

- Identify commercial areas in the city that reflect traditional urban form and develop appropriate standards and preservation objectives for these areas.
- Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

**Policy 9.12: Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.**

**Implementation Steps (selected):**

- Locate parking lots behind buildings or in the interior of a block to reduce the visual impact of the automobile in mixed-use areas.

**Consistency with the policies:**

- As stated above, the building is located in the middle of the site and surrounded by parking lots.

**Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

**Alternative Compliance: The Planning Commission may approve alternatives to any major 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, 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.**

### Planning Division Analysis Regarding Alternative Compliance:

The site is in not in compliance with the Code in one way: The building is located in the middle of the site and surrounded by parking lots.

Planning staff believe that the developer could construct the project and still meet the developer's most critical criteria. Attachment 6 includes two alternatives:

- **Alternative A:** This alternative rotates the building clockwise and moves it parallel and closer to 28<sup>th</sup> St. Since Hiawatha functions like a freeway in this area, 28<sup>th</sup> St is the best candidate towards which the building should be oriented. This configuration caps the “hot spot” as effectively as the proposed configuration but brings the building into compliance with the Zoning Code. It could be held back from the property line sufficiently to accommodate both curb cuts as proposed. There is still adequate space for parking and for truck maneuvering. This placement does prevent the drive connection between the two curb cuts but increases the desired separation of truck movements from other vehicular movements. The 25 parking stalls lost on the southwest portion of the site could be made up elsewhere if needed. Consider that there is an excess of 59 stalls over the minimum required by the Zoning Code (37% more than required) for even the most intense development (80% office/20% warehouse).
- **Alternative B:** This alternative expands the building on its southwest end to bring it closer to 28<sup>th</sup> St. and establish a street presence. Like Alternative A, this placement maintains the proposed curb cut location, but prevents the drive connection between the two curb cuts and eliminates the 25 stalls on the southwest side of the site.

### RECOMMENDATION

**Site Plan Review Permit:** The Community Planning and Economic Development—Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review permit application for 2016 28<sup>th</sup> St. E.

### ATTACHMENTS

- 1) Zoning and lot lines in the vicinity of the site
- 2) Aerial photos
- 3) Uses in the area
- 4) Site plan, floor plans, elevations, and lighting plans
- 5) Soil contamination (“hot spot”) map and letter from Minnesota Department of Agriculture
- 6) Staff siting alternatives A and B
- 7) Information from the applicant
- 8) Photos of the site and surrounding area
- 9) Zoning data sheet
- 10) Letter from the business group.

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**11. Ryan Companies (BZZ-2068, Ward 6), 2016 28th St. E ([Michael Orange](#)).**

**A. Site Plan Review:** Application by Ryan Companies US Inc. for a site plan review to build a single-story, 62,000 sq. ft. office warehouse on the site located at 2016 28th St. E. plus 220 surface parking stalls.

**Action:** Notwithstanding staff recommendation, the City Planning Commission **approved** the site plan review permit application for 2016 28<sup>th</sup> St. East on condition that:

1. The Community Planning and Economic Development—Planning Division shall review and approve the final site, landscape, and lighting plans.
2. Approval by Public Works of the Stormwater Management Plan.
3. Approval by Public Works and the Planning Division of CPED of the Travel Demand Management Plan.
4. If the site improvements exceed \$2,000 in value, the applicant shall submit a performance bond for these improvements prior to the issuance of building permits.
5. The site improvements shall be completed by November 30, 2005 or the application may be revoked for noncompliance, unless extended by the Zoning Administrator or the City Council.
6. The applicant shall work with the Park Board to add boulevard trees.