

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit and Site Plan Review  
BZZ-5659

**Date:** August 27, 2012

**Applicant:** Mikhail Zabezhinsky of OceanTech

**Address of Property:** 1313 Winter Street NE

**Project Name:** OceanTech

**Contact Person and Phone:** Mikhail Zabezhinsky, 612-331-4456

**Planning Staff and Phone:** Aly Pennucci, 612-673-5342

**Date Application Deemed Complete:** July 18, 2012

**End of 60 Day Decision Period:** September 16, 2012

**Ward: 1 Neighborhood Organization:** Mid-City Industrial Area (no neighborhood group)

**Existing Zoning:** I2 Medium Industrial District

**Proposed Zoning:** Not applicable for this development

**Zoning Plate Number:** 15

**Legal Description:** That part of Lot 2, Auditor's subdivision number one hundred and fifteen (115) Hennepin County, Minnesota described as follows: Beginning at the southeast corner of said lot, thence west along the south line thereof at distance of 296.8 feet to the center line of Garfield Street, produced thence north along said produce line 427.7 feet to a point which is 62 feet southwesterly at right angles from the southwesterly line of Lot 1, said Auditor's subdivision; thence southeasterly parallel with the southwesterly line of said Lot 1 a distance of 46 feet; thence southeasterly on a curve to the left having a radius of 1158.28 feet a distance of 303.4 feet; thence southeasterly along a line tangent to said curved line 6.3 feet to the east line of said Lot 2; thence south along said east line 237.4 feet to the point of beginning except the east 138.4 feet measured along the south line thereof and except the west 20 feet measured along the south line thereof. Torrens Certificate No. 774822.

**Proposed Use:** Recycling facility

**Concurrent Review:**

**Conditional Use Permit:** to allow a recycling facility.

**Site Plan Review:** for a recycling facility.

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

## CPED Planning Division Report

BZZ-5659

**Background:** The applicant is using the existing building located at 1313 Winter Street NE as a recycling facility for consumer-based electronic equipment. The building was built in 1946, and was previously used as a paperboard mill which is a medium industrial use first allowed in the I2 zoning district.

OceanTech is a Minnesota-based company that provides environmentally responsible electronics recycling, asset management services, and secures data destruction solutions. The company specializes in refurbishing and re-marketing used electronics; those used electronics that cannot be refurbished and remarketed are recycled. Equipment that can be dismantled safely is broken down in-house and components are separated by type. Commodities such as steel and plastic are sent directly to reputable companies that meet the company's environmental requirements and reusable components, such as RAM and optical drives, are tested and resold. Data storage devices are securely wiped clean of data and reused or physically destroyed. Equipment that cannot be safely broken down in-house is sent to certified downstream vendors. Items such as CRT monitors and batteries are stored properly in accordance with EPA and Hennepin County guidelines, and are sent to downstream vendors that meet the company's environmental standards and are properly equipped to handle the equipment.

The zoning ordinance classifies this use as a recycling facility. A recycling facility is first allowed in the I2 Medium Industrial District and requires a conditional use permit and site plan review. The company, OceanTech, has occupied this building for the last year and relocated to this site with the assistance of the City of Minneapolis. Because recycling is only one piece of the overall operations for this organization, the use was incorrectly categorized as a general medium industrial use so the requirement for a conditional use permit and site plan review was identified after the company had relocated the business to this location.

There is no official neighborhood group for the Mid-City Industrial Area. The applicant notified the adjacent neighborhood association, the Southeast Como Improvement District, about the application. As of the writing of this report staff has not received any comments. Any comments, if received, will be forwarded to the Commission.

### **CONDITIONAL USE PERMIT (for a recycling facility)**

#### **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.**

The proposed use should not be detrimental to or endanger the public health, safety, comfort or general welfare, with the appropriate conditions of approval and site plan review. The business currently employs 17 people. The business hours are 9:00 a.m. to 5:00 p.m. Monday through

## CPED Planning Division Report

BZZ-5659

Friday and, currently, the business is not open on the weekends. The business has, on average, five (5) small delivery trucks coming to and leaving the site per day. The company owns two small delivery trucks. Large semi-trucks are not typically used at this facility.

All activity (except deliveries to and from the site) will occur within the structure and on the site. The site is in an industrial area and is not immediately adjacent to residential uses. There are residential uses located across Winter Street; however, because all activity, other than deliveries, will occur within the building staff does not anticipate that the use will be detrimental to the public health, safety, comfort or general welfare.

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

The site is immediately adjacent to a nonconforming foundry (heavy industrial use) to the west and north, and an office use to the east. The site is located within an Industrial Employment District which is an area designated for continued industrial use. The site was previously used by a paperboard mill company (medium industrial use) that had more truck traffic and required more deliveries and pick-ups in larger semi-trucks. There are residential uses located across the street, however, as stated above, all activity other than delivers and pick-ups, will occur within the building. With site plan review and conditions of approval the development should not have negative impacts on surrounding properties.

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

Utilities and access are existing and adequate for the site.

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

The site has access to a truck route. There is an existing loading area at the front of the building for deliveries and pick-ups. No changes are proposed to this existing condition. This use is required to have 24 off-street parking spaces and the site plan shows 25 spaces. At this number of parking spaces one accessible space is required. One is shown on the site plan that may not comply with building code requirements for accessible spaces. The site is required to comply with accessibility standards. The applicant will work with construction code services to determine if the accessible space will need to be reconfigured.

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

The site is designated as industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The plan states that the industrial land use category includes areas suited for industrial development and limited supporting commercial uses. It is generally found within Industrial Employment Districts, and has a high level of policy protection for industrial uses with

## CPED Planning Division Report

BZZ-5659

an emphasis on job retention and creation. Industrial uses have primacy over other uses in industrial areas.

The comprehensive plan also states that “in addition to the future land use map, the comprehensive plan incorporates by reference land use recommendations from a number of small area plans that cover various sub-sectors of the city. These plans should be consulted for applicable areas when making development decisions, as they provide more detailed guidance.” The *Industrial Land Use and Employment Policy Plan* was adopted by the City Council on November 3, 2006, and shows this site as part of an Employment District (District 7 – Mid-City Industrial Area), which are areas designated for continued industrial use.

The comprehensive plan has the following language regarding Industrial Employment Districts:

**Land Use Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.**

- 1.14.1 Develop regulations for the Industrial Employment Districts that promote compatible industrial development and the efficient use of land.
- 1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.
- 1.14.3 Restrict the development and expansion of non-industrial uses within designated Industrial Employment Districts, limiting non-industrial uses to the types of uses and locations designated in the Industrial Land Use and Employment Plan.
- 1.14.4 Strongly discourage new residential uses in Industrial Employment Districts.
- 1.14.5 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

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

- 6.10.5 Strongly emphasize and promote reduction, reuse and recycling, including the purchase of recycled materials in residential, business and industrial and government operations and building practices.

**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 development will conform to the applicable regulations of the I2 District with the approval of the conditional use permit, site plan review and conditions of approval.

### **SITE PLAN REVIEW**

**CPED Planning Division Report**  
BZZ-5659

**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, 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.

## CPED Planning Division Report

BZZ-5659

- 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.
  - h. Minimum window area shall be measured as indicated in section 530.20 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of chapter 549, Downtown Districts, shall apply.

The building is existing and no changes or additions are proposed. The existing front elevation includes windows and a clearly defined principal entrance connected to the public sidewalk.

### **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.

This is an existing building and no changes or additions are proposed. The entrance of the building is on the south side of the building and is connected to the public sidewalk on Winter Street NE. No changes are proposed.

There are no transit stops on the site.

Access is existing. Vehicular access is provided via a curb cut off of Winter Street NE that leads to an off-street parking area to the rear of the building. There are three existing loading docks located on the front of the building that require at times that trucks maneuver in the right-of-way. This is an

**CPED Planning Division Report**  
BZZ-5659

existing condition and no changes are proposed at this time.

The existing driveway and rear parking area are not in compliance with the surfacing requirements outlined in section 541.300 of the zoning code. In addition, the parking area is not currently striped as required by section 541.320 of the zoning code. The site plan submitted by the applicant includes surfacing and striping the driveway and parking area. As a condition of approval the applicants will be required to surface and stripe the parking area and drive aisle with a material that meets the requirements of section 541.300.

There is no alley access to the 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 lot area is 49,387 square feet and the footprint of the building is 28,690 square feet. This leaves 20,697 square feet, of which 20 percent (4,139 square feet) is required to be landscaped. The applicant is providing approximately 2,790 square feet of landscaped area on site, or 13 percent of the site not occupied by the building. Alternative compliance is requested to meet the landscaping requirement.

The development is required to provide one tree per 500 square feet and one shrub per 100 square feet of required green space. This translates into a requirement of 8 trees and 41 shrubs. The site plan shows 3 trees and no shrubs. Five (5) additional trees are provided on the adjacent property along the

## CPED Planning Division Report

BZZ-5659

north property line. Alternative compliance is requested to meet the tree and shrub requirements.

The existing parking area is located to the rear of the building and is adjacent to another industrial site. No screening is required. The existing loading area located on the front of the building cannot be screened because the entire area is the width of the existing curb cut.

The parking area is not within 50 feet of any on-site deciduous trees; however, the majority of the parking area is within 50 feet of deciduous trees along the property line immediately adjacent to the subject site. The row of parking stalls abutting the building are not within 50 feet of any on- or off-site deciduous tree. Alternative compliance is requested to meet the tree and shrub requirements.

All other areas not occupied by buildings, walks, plazas, parking, loading and associated drives are 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.

No curbing or wheel stops are shown on the site plan. While the drainage system is established, staff encourages the property owner to consider improved on-site stormwater management and retention. This may allow for a reduction in the site's stormwater management fee.

The building is existing and there are no changes proposed.

The plan meets the CPTED guidelines. The site is designed to delineate between public and private space and to control access while allowing views into and out of the site. The existing parking area to the rear is for staff use only and is controlled by a gate.

There are no historic structures on the site.

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

**ZONING CODE:** A recycling facility is allowed as a conditional use in the I2 Medium Industrial District.

## CPED Planning Division Report

BZZ-5659

### **Off-Street Parking and Loading:**

*Minimum automobile parking requirement:* The minimum required parking for a recycling facility is as approved by the conditional use permit, but not less than 1 space per 1,000 square feet of gross floor area up to 20,000 square feet and 1 space per 2,000 square feet of gross floor area in excess of 20,000 square feet. The gross floor area is 28,690 square feet. This results in a minimum parking requirement of 24 spaces; 25 spaces are provided. Staff believes this is a reasonable amount for a facility that currently has 17 employees. One accessible space is required and one shall be provided. The applicants will work with construction code services to verify that the accessible space meets all applicable requirements.

*Maximum automobile parking requirement:* The maximum required parking for a recycling facility is as approved by the conditional use permit, but not less than 1 space per 200 square feet of gross floor area up to 20,000 square feet and 1 space per 1,000 square feet of gross floor area in excess of 20,000 square feet. The gross floor area is 28,690 square feet. This results in a maximum allowed amount of 108 parking spaces. The site will provide 25 spaces.

*Bicycle parking requirement:* There is no requirement for bicycle parking for a recycling facility.

*Loading:* A recycling facility of this size is required to provide 1 large loading space (12 feet by 50 feet). The building currently has 4 large loading docks. The applicant is not proposing any changes to the existing loading docks.

**Maximum Floor Area:** The maximum FAR in the I2 Medium Industrial District is 2.7. The zoning lot in question is 49,387 square feet in area. The site contains approximately 28,690 square feet of gross floor area on the lot, an FAR of 0.58. The building is existing and no changes are proposed

**Building Height:** Building height in the I2 Medium Industrial District is limited to 4 stories or 56 feet, whichever is less. The existing building is one story. No changes are proposed

**Minimum Lot Area:** There is no minimum lot size for a recycling facility in the I2 Medium Industrial District.

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

**Yard Requirements:** There are no setbacks required for industrial uses in the industrial districts, unless adjacent to residential zoning. This site is not adjacent to residential zoning. The building is existing and no changes are proposed.

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

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

**Specific Development Standards:** Specific Development Standards for a recycling facility require that the use shall be performed in a fully enclosed building, except that paper and cardboard may be stored outside in fully enclosed containers or trailers. For the purposes of this requirement, "enclosed" shall

## CPED Planning Division Report

BZZ-5659

mean completely enclosed with no outdoor storage, sorting or processing of materials. All activity for the subject site will occur within the building.

**Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the I2 Medium Industrial District one can have one-and-a-half square feet of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is not proposing any specific signage at this time. Any new signage will require Zoning Office review, approval and permits.

**Refuse storage:** Section 535.80 requires that refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The site plan does not show the trash storage area. The final site plan shall show refuse storage locations and any outdoor storage shall be screened per code.

**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 Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance.

**MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:** In addition to the policies listed under finding number one under the conditional use permit section of this report, the *Minneapolis Plan for Sustainable Growth* has the following polices regarding site design:

**Urban Design Policy 10.12: Design industrial uses with appropriate transitions and other design features which minimize negative impacts on surrounding residential uses.**

10.12.1 Provide appropriate physical transition and separation using green space, fencing, setbacks or orientation between industrial uses and other surrounding uses.

10.12.2 Encourage site planning for new developments that orients the “back” of proposed buildings to the “back” of existing development.

10.12.4 Design industrial sites to ensure direct access to major truck routes and freeways as a way to minimize automobile and truck impacts on residential streets and alleys.

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

10.12.6 Use the site plan review process to ensure that lighting and signage associated with industrial uses do not create negative impacts for residential properties.

**Urban Design Policy 10.18: Reduce the visual impact of automobile parking facilities.**

## CPED Planning Division Report

BZZ-5659

- 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.
- 10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.
- 10.18.3 Locate parking lots to the rear or interior of the site.

**Urban Design 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.**

- 10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.
- 10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.
- 10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.
- 10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.
- 10.19.5 Landscaping plans should be designed to facilitate future maintenance including the consideration of irrigation systems, drought and salt-resistant species, ongoing performance of storm water treatment practices, snow storage, access to sun, proximity to buildings, paved surfaces and overhead utilities.
- 10.19.7 Boulevard landscaping and improvements, in accordance with applicable city polices, are encouraged.

With the conditions of approval the site plan is in conformance with the above noted policies of the comprehensive plan.

**SMALL AREA PLANS ADOPTED BY COUNCIL:** See finding number five of the conditional use permit section of this staff report.

## CPED Planning Division Report

BZZ-5659

### **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:

#### ▪ **Landscaping**

The lot area is 49,387 square feet and the footprint of the building is 28,690 square feet. This leaves 20,697 square feet, of which 20 percent (4,139 square feet) is required to be landscaped. The applicant is providing approximately 2,790 square feet of landscaped area on site, or 13 percent of the site not occupied by the building. The footprint of the building, the long driveway to access the parking area to the rear and the loading docks located to the front and rear makes it difficult to provide the full amount of landscaping required. Further, the site is wrapped to the west and the north by a heavy industrial use. Staff recommends alternative compliance to the landscaping requirement.

#### ▪ **Number of shrubs**

The development is required to provide one shrub per 100 square feet of required green space. This translates into a requirement of 41 shrubs. The site does not include any shrubs. Staff recommends alternative compliance for the number of shrubs provided that the applicant works with staff to add a minimum of 20 shrubs along the front of the building to soften the front elevation.

#### ▪ **Number of trees**

The development is required to provide one tree per 500 square feet of required green space. This translates into a requirement of 8 trees. The site plan shows three (3) trees and there are (5) additional trees on the adjacent property along the north property line. Staff recommends alternative compliance for the number trees.

#### ▪ **Parking spaces within 50 feet of an on-site deciduous tree**

The parking area is not within 50 feet of any on-site deciduous trees; however, the majority of the parking area is within 50 feet of deciduous trees along the property line immediately adjacent to the subject site. The row of parking stalls abutting the building are not within 50 feet of any on- or off-site deciduous tree. Alternative compliance is requested to meet the tree and shrub requirements. Staff recommends alternative compliance as the addition of tree islands may interfere with truck maneuvering to the rear loading dock.

**CPED Planning Division Report**  
BZZ-5659

**RECOMMENDATIONS:**

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a recycling facility for the property located at 1313 Winter Street NE, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within two years of approval.
- 2) The use shall be performed in a fully enclosed building, except that paper and cardboard may be stored outside in fully enclosed containers or trailers. For the purposes of this requirement, "enclosed" shall mean completely enclosed with no outdoor storage, sorting or processing of materials.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for the property located 1313 Winter Street NE, subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan and landscaping plan before permits may be issued.
- 2) All site improvements shall be completed by August 27, 2014, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) The applicant shall work with construction code service staff to ensure that the proposed accessible parking space meets all requirements.
- 4) The final site plan shall show refuse storage locations and, if located outdoors, shall be screened per section 535.80 of the zoning code.
- 5) The applicant shall provide 20 shrubs along the front of the building to soften the front elevation.
- 6) The applicant shall provide a minimum of three (3) trees in the front of the building as shown on the site plan.

## **CPED Planning Division Report**

BZZ-5659

- 7) The driveway and parking area shall be surfaced with materials in compliance with section 541.300 of the zoning code.
- 8) The parking area shall be striped in compliance with section 541.320 of the zoning code.

### **Attachments:**

- 1) Statement and findings from applicant
- 2) Correspondence to neighborhood organization and Council Member
- 3) Zoning Map
- 4) Site plan, floor plans, and photos of the site