CPED STAFF REPORT

Prepared for the Zoning & Planning Committee
September 29, 2016
BZZ-7896

LAND USE APPLICATION SUMMARY

Property Location: 2 Dowling Avenue North
Project Name: Rock Crushing
Prepared By: Hilary Dvorak, Principal Planner, (612) 673-2639
Applicant: Ramsey Excavating
Project Contact: Sheri Loegering
Request: To allow a concrete, asphalt and rock crushing facility.
Required Applications:

Interim Use Permit	To allow a temporary concrete, asphalt and rock crushing facility.

SITE DATA

Existing Zoning	I3 General Industrial District MR Mississippi River Overlay District SH Shoreland Overlay District FP Floodplain Overlay District
Lot Area	250,900 square feet / 5.76 acres
Ward(s)	4
Neighborhood(s)	Camden Industrial Area, adjacent to McKinley and across the river from Marshall Terrace
Designated Future Land Use	Parks and Open Space and Mixed Use
Land Use Features	Not applicable
Small Area Plan(s)	*Above the Falls Master Plan Update* (2013)

Date Application Deemed Complete	August 17, 2016	**Date Extension Letter Sent**	September 13, 2016
End of 60-Day Decision Period	October 16, 2016	**End of 120-Day Decision Period**	December 15, 2016

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The property is located on the north side of Dowling Avenue North between 1st Street North and the Mississippi River. The property is part of the Upper Harbor Terminal site that is owned by the City of Minneapolis. The property has been and is being used for open storage of bulk materials.

CPED has been working in conjunction with the Minneapolis Park Board on a redevelopment strategy for the Upper Harbor Terminal site. The future land use for this property is not industrial. As guided in the *Above the Falls Master Plan Update*, the future land use for this site includes both parks and open space and mixed use.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The site is surrounded by industrial properties and the Mississippi River. The site is located in the Camden Industrial Area.

PROJECT DESCRIPTION. The applicant is proposing to utilize the property for stock piling aggregate products, staging equipment necessary to complete projects, processing aggregate products and hauling away aggregate products. The applicant is requesting to do this until December 31, 2017.

RELATED APPROVALS. In October of 2015, the Minneapolis City Council approved an interim use permit to allow the applicant to operate a temporary concrete, asphalt and rock crushing facility on the property until October 9, 2016.

PUBLIC COMMENTS. No comment letters have been received in regards to this application. Any correspondence received prior to the public meeting will be forwarded on to the City Council for consideration.

ANALYSIS

INTERIM USE PERMIT

For an interim use permit to be granted, the Zoning and Planning Committee must make the same findings that pertain to conditional use permits. In addition to these, any City Council approval of an interim use is subject to five additional conditions. Discussion of each of these findings and conditions follows.

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 finds that an interim concrete, asphalt and rock crushing facility would not be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area because it is set to sunset. Given the future goals for this site, CPED is recommending that the concrete, asphalt and rock crushing activities terminate on December 31, 2017.

   The site has historically been used for open storage of bulk materials. The applicant has been stock piling aggregate products on the site and then crushing the materials. Crushing of aggregate products does create dust and noise. While this is the case, the use is regulated by the Minneapolis Health Department Environmental Services Division and by the Minnesota Pollution Control Agency. In addition, no complaints about the facility have been received in the past year.

   To lessen the impact of the use on the surrounding area, CPED is recommending conditions of approval related to dust, erosion control and noise.

- Prevent dust in compliance with Minneapolis City Ordinance Chapter 47.
- Water or other appropriate methods must be used for dust suppression during site activities. If weather conditions cause the methods to be ineffective in the control of dust, operations will either need to be scaled down, additional controls put in place or stopped until the weather improves or an alternative dust suppression plan is provided that is effective in the adverse weather conditions.
- Prevent erosion in compliance with Minneapolis City Ordinance Chapter 52.
- The operations shall implement applicable erosion control methods and best management practices as required by Minneapolis City Ordinance Chapter 52, Erosion and Sediment Control for Land Disturbance Activities. Coordinating site dust and erosion control during crushing operations and maintain all dust and erosion control after crushing has been completed.
- Noise must be incompliance with City ordinance Chapter 389.
- The hours of operation shall be limited to those allowed by city ordinance (Monday through Friday, 7:00 a.m. to 6:00 p.m., not including federal holidays).
- No afterhours work permit shall be issued.

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 and orderly development and improvement of surrounding property for uses permitted in the district.*

   CPED finds that an interim concrete, asphalt and rock crushing facility will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district. The site is surrounded by industrial properties. While the site is adjacent to the Mississippi River the land uses on the other side of the river are also industrial in nature.

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

   The applicant will be working closely with the Minneapolis Health Department Environmental Services Division and the Minnesota Pollution Control Agency during the duration of the development 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 site is located along Dowling Avenue North which has direct connection to the Interstate Highway system.

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

   With the recommending conditions of approval, the proposed development would be consistent with the following policies of *The Minneapolis Plan for Sustainable Growth*:

   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.

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

1.2.3 Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.

Environment Policy 6.2: Protect and enhance air quality and reduce greenhouse gas emissions.
Environment Policy 6.7: Preserve and protect land from pollution and encourage the remediation of contaminated sites.

6.7.2 Support implementation controls that prevent and minimize toxic releases and waste disposal.

Environment Policy 6.9: Be a steward of clean water by protecting and enhancing its surface and groundwater systems.

6.9.1 Continue to invest in maintaining excellent water quality for consumption, and ensure delivery of safe drinking water to customers.

6.9.2 Continue to implement the city's floodplain and shoreland Ordinances, and the Mississippi River Critical Area plan.

6.9.3 Accomplish the guiding principles of the city's Local Surface Water Management Plan, which are to protect people, property and the environment; maintain and enhance infrastructure; provide cost-effective services in a sustainable manner; meet or surpass regulatory requirements; educate and engage the public and stakeholders, and enhance livability and safety.

6.9.5 Support pollution prevention programs as an important first step in maintaining a healthy physical environment.

6.9.6 Manage pollutants at the source in order to prevent degradation of water bodies.

Environment Policy 6.11: Take measures to reduce noise pollution at point and non-point sources.

6.11.1 Work with other governmental units, owners and developers to identify and implement ways to buffer and reduce noise originating from businesses, industries, railroads and rail corridors, freeways and highways, and airports.

The *Above the Falls Master Plan Update* was approved by the City Council in 2013. The plan priorities for this site include:

- Development of Upper Harbor Terminal site with new business park.
- Support for high quality, non-polluting, job intensive office/light industrial development.
- Continued progress on riverfront trail connections and loops.
- New park and parkway on Upper Harbor Terminal site, in coordination with redevelopment.

With the recommending conditions of approval, the proposed development would be consistent with the *Above the Falls Master Plan Update.*

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

In the I3 zoning district outdoor storage and outdoor production and processing are allowed. However, when the outdoor storage and outdoor production and processing is fronting along a public street, landscaping and screening is required. Outdoor storage requires a landscaped yard at

least five feet wide and screening not less than six feet in height and not less than 95 percent opaque. Outdoor production and processing requires a landscaped yard at least 10 feet wide and screening not less than eight feet in height and not less than 95 percent opaque. Screening and landscaping are required along Dowling Avenue North and 1st Street North. The applicant is not proposing any screening or landscaping along these two streets.

The site is located in the MR Mississippi River Overlay District, the SH Shoreland Overlay District and the FP Floodplain Overlay District. No activities associated with the proposed use will be taking place in the floodplain. In the SH Shoreland Overlay District, the following factors should be considered:

- The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
- Limiting the visibility of structures and other development from protected waters.
- The suitability of the protected water to safely accommodate the types, uses and numbers of watercraft that the development may generate.

No structures will be built on the site nor will there be any watercraft associated with this use. CPED is recommending conditions of approval related to erosion control.

Interim Use Conditions

1. *The interim use shall be allowed as a conditional use in the zoning district in which it is to be located.*

   A concrete, asphalt and rock crushing facility is a conditional use in the I3 General Industrial District.

2. *Except as otherwise authorized by this section, an interim use shall conform to this zoning ordinance as if it were established as a conditional use.*

   As discussed in the above findings for a conditional use, when outdoor storage and outdoor production and processing are fronting along a public street, landscaping and screening is required. Screening and landscaping are required along Dowling Avenue North and 1st Street North. The applicant is not proposing any screening or landscaping along these two streets.

   The City Council may waive conditions that would apply to an interim use upon finding that the temporary nature of the interim use will eliminate the adverse effects that the condition was intended to prevent. Given the temporary duration of the use and the surrounding context, full compliance would not be practical. Staff is recommending that the screening and landscaping requirements along Dowling Avenue North and 1st Street North be waived.

   The future land use for this property is not industrial. Any landscaping that would be installed now would likely be removed in the future. In addition, the site has historically been used for open storage of bulk materials without the proper screening and landscaping along these two streets. Further, given the site's location there is very little vehicular traffic and little or no pedestrian traffic in this area.

3. *The date or event that will terminate the interim use shall be identified with certainty. Interim uses may not be granted for a period of greater than five (5) years.*

   Given the future goals for this site, CPED is recommending that the concrete, asphalt and rock crushing activities terminate on December 31, 2017.

4. *In the event of a public taking of property after the interim use is established, the property owner shall not be entitled to compensation for any increase in value attributable to the interim use.*

The applicant is aware of this standard.

5. *Such conditions and guarantees as the city council deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan.*

   As discussed in the above findings for a conditional use, the applicant has been stock piling aggregate products on the site and then crushing the materials. Crushing of aggregate products does create dust and noise. To lessen the impact of the use on the surrounding area, CPED is recommending conditions of approval related to dust, erosion control and noise. In addition, it is required that proper signage be displayed at the site so someone conducting the concrete, asphalt and rock crushing activities can be contacted at any time.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Council adopt staff findings for the application by Ramsey Excavating for the property located at 2 Dowling Avenue North:

A. Interim Use Permit.

Recommended motion: **Approve** the interim use permit to allow a temporary concrete, asphalt and rock crushing facility, subject to the following conditions:

1. The interim use shall expire no later than December 31, 2017.
2. The applicant shall prevent dust in compliance with Minneapolis City Ordinance Chapter 47.
3. Water or other appropriate methods must be used for dust suppression during site activities. If weather conditions cause the methods to be ineffective in the control of dust, operations will either need to be scaled down, additional controls put in place or stopped until the weather improves or an alternative dust suppression plan is provided that is effective in the adverse weather conditions.
4. The applicant shall prevent erosion in compliance with Minneapolis City Ordinance Chapter 52.
5. The operations shall implement applicable erosion control methods and best management practices as required by Minneapolis City Ordinance Chapter 52, Erosion and Sediment Control for Land Disturbance Activities. Coordinating site dust and erosion control during crushing operations and maintain all dust and erosion control after crushing has been completed.
6. Noise must be incompliance with City ordinance Chapter 389.
7. The hours of operation shall be limited to Monday through Friday, 7:00 a.m. to 6:00 p.m., not including federal holidays.
8. No afterhours work permit shall be issued.
9. A temporary sign, three feet by four feet, indicating the name, address and telephone number(s) of the person(s) or agent(s) of the company conducting the crushing activities shall be placed within 10 feet of all public rights-of-way adjacent to the project site. The company conducting the crushing activities shall ensure that an agent responsible for the activities being conducted is available on site or by phone on a 24 hour basis.

ATTACHMENTS

1. Written description of the use submitted by applicant

2. Land use agreement between River Services, Inc. and the Ramsey Excavating Company
3. Zoning map
4. Aerial of the property
5. Photos of the site and the equipment used to conduct the concrete, asphalt and rock crushing
6. Correspondence