

**Department of Community Planning and Economic Development – Planning
Division**

Expansion of a Non-Conforming Use, Conditional Use Permit, Variance and
Site Plan Review
BZZ-3211

Date: October 3, 2006

Applicant: Carl Bolander and Sons Co., 251 Starkey Street, St. Paul, MN 55107, (651)
224-6299

Addresses of Property: 620 Malcolm Avenue SE

Project Name: Malcolm Avenue Recycling and Transfer Station

Contact Person and Phone: Bill Keegan, SKB Environmental, 251 Starkey Street, St.
Paul, MN 55107, (651) 251-6203

Planning Staff and Phone: Becca Farrar, (612)673-3594

Date Application Deemed Complete: August 23, 2006

End of 60-Day Decision Period: October 22, 2006

End of 120-Day Decision Period: Not applicable for this application

Ward: 2 Neighborhood Organization: Prospect Park – East River Road
Improvement Association

Existing Zoning: I2 (Medium Industrial) District, SH (Shoreland Overlay) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Lot area: 261,360 or 6 acres

Legal Description: Not applicable for this application

Proposed Use: Add the transfer of Municipal Solid Waste (MSW) to an existing waste
transfer facility.

Concurrent Review:

- Expansion of a non-conforming use to allow the transfer of Municipal Solid Waste (MSW) at an existing waste transfer facility.
- Amend the Conditional Use Permit for a recycling facility.

- Variance of the off-street parking requirement from 37 parking spaces to 17.
- Site Plan review for a waste transfer and recycling facility.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures, Chapter 525, Article VII, Conditional Use Permits, Article IX, Variances & Chapter 530 Site Plan Review.

Background: The applicant, Carl Bolander and Sons (CB&S) has owned, and SKB Environmental Inc. (SKB) has operated the Malcolm Avenue Recycling and Transfer Station since 1993, on the property located at 620 Malcolm Avenue SE. From 1993 to 1996, SKB used the facility for composting and transfer of yard waste from the City of Minneapolis. In 1996, SKB modified the conditional use permit to allow for the processing and transfer of Construction and Demolition (C&D) waste from the facility in addition to continuing to transfer yard waste from the facility. SKB is now requesting to amend the existing conditional use permit for a recycling facility to also allow for the transfer of Municipal Solid Waste (MSW).

The site is zoned I2 which does not permit waste transfer or disposal facilities. These types of uses are only allowed as conditional uses in the I3 district. The site has been deemed a legal non-conforming use, and in order to allow the transfer of MSW, an application for an expansion of a non-conforming use is required. Further, as previously mentioned an application is required to amend the existing conditional use permit for a recycling facility. A variance is also required as the on-site parking requirement is 37 spaces and the applicant proposes to provide 17 on site. Site plan review is required for recycling uses.

The requested change will result in a full-service transfer station with the ability to process and transfer MSW, C&D and yard waste. The facility will be similar to other multi-waste transfer stations such as the Hennepin County Transfer Stations and large transfer facilities owned by Waste Management, Allied Waste, and other large waste haulers.

The conditional use permit that was approved by the City of Minneapolis in 1996 allows for approximately 171 trips per day to the facility. With the addition of the MSW, SKB expects to have an average of 150 trips per day with a maximum of 161 trips per day. There will actually be a decrease in traffic as a result of the proposal as a result of using larger transfer trailers and obtaining better compaction of the incoming and outgoing wastes.

Staff has not received official correspondence from the Prospect Park – East River Road Improvement Association prior to the printing of this report.

EXPANSION OF A LEGAL NONCONFORMING USE - to allow the transfer of Municipal Solid Waste (MSW) at an existing waste transfer facility.

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

(1) A rezoning of the property would be inappropriate.

The property is located within an area where the majority of the properties are zoned I2. Rezoning the property to a higher zoning classification, such as I3 would not be appropriate for this property within the context of the surrounding area.

(2) The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The addition of the use to the site would be compatible and relatively consistent with the other industrial uses in the vicinity. Neighboring businesses are industrial, including a potato processing plant that can produce odors. The nearest residence is located approximately 1,500 feet south of the facility.

(3) The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The proposed expansion of the use to allow the transfer of MSW along with the composting and transfer of yard waste and the processing and transfer of C&D waste would not be expected to result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors and parking congestion. Because the activities at the facility mainly take place within a building enclosure, the wind is kept off of the waste and therefore reduces the strength of odors beyond the facility borders. The overhead doors are closed during non-business hours, and the tipping floor must be cleaned at least every 7 days. Based on the Minnesota Pollution Control Agency's experience this has been adequate to control buildup of substances that might cause odor and vectors such as flies and vermin. An Environmental Assessment Worksheet was reviewed by and a negative declaration issued by the Minnesota Pollution Control Agency in March of 2006. The findings of fact for the EAW have been attached. Further, the Environmental Services division will be involved with any additional permitting or requirements for the facility.

- (4) **The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

The expansion of the use would not result in the addition of any structures to the site. Staff would argue that allowing the expansion of the non-conforming use would result in improvements to the property including the paving of the parking and maneuvering areas on site as well as some landscaping.

- (5) **In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

Not applicable.

- (6) **The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The site is not located in a Floodway District.

CONDITIONAL USE PERMIT – for a recycling 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 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.**

Provided the owners continue to operate the businesses in compliance with all applicable state and local regulations, Staff would not expect that the continued operation of a recycling facility would be detrimental to or endanger the public health, safety, comfort or general welfare. Based on the surrounding land uses which are primarily industrial in nature, Staff believes that the proposed uses would continue to be compatible with the other uses in the vicinity.

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 currently utilized by CB&S, operated by SKB and has a conditional use permit to operate a recycling facility on the site. The addition of a non-conforming use on the site to transfer MSW requires that the conditional use

permit be amended. The existing and proposed uses would seem compatible. Further, the intensity of the uses on site would prove compatible with the surrounding uses and should not impede normal and orderly development of the area.

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

The site would be accessed via Malcolm Avenue SE. There is surface parking proposed with this project. The Public Works Department has reviewed the preliminary plan and will review the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections. The majority of the site is unimproved and will be required to be paved where applicable. The Malcolm Avenue access to the site is proposed as a 2007 paving project.

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

There is existing access to the site from Malcolm Avenue SE, which more or less dead ends on the property. The applicant proposes to maintain this access as part of the development. The applicant is proposing to vary the on-site parking requirement from the required 37 parking spaces to 17 parking spaces. All parking spaces would be provided on-site. The applicant has indicated that the only parking that occurs on the site is by employees and that typically 5-7 employees are present at one time.

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

The conditional use permit to allow a recycling facility on an industrial parcel is consistent with the relevant provisions of the Minneapolis Plan, as follows:

Relevant Policy: 9.23 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Relevant Policy: 9.25 Minneapolis will establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings.

The project would comply with the above listed policies of the comprehensive plan.

- 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 rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including an expansion of a non-conforming use, conditional use permit, variance and site plan review, the proposal would comply with all provisions of the I2 District.

VARIANCE – of the off-street parking requirement from 37 parking spaces to 17.

Findings as Required by the Minneapolis Zoning Code for the Variance:

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

To reduce the on-site parking requirement: The property could likely be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning ordinance would likely cause undue hardship. There is clearly adequate space on the parcel to provide all required parking; however, because of the unique nature of the individual use and the number of employees that are expected at the site, the parking requirement is excessive. The applicant has indicated that the only parking that occurs on the site is by employees and that typically 5-7 employees are present at one time.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

To reduce the on-site parking requirement: The circumstances could be considered unique as the property is located within an industrial area and is being used as both a recycling and waste transfer facility. Further, no customers park at the site as only the employees that work at the facility would utilize the parking.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

To reduce the on-site parking requirement: The granting of the variance to reduce the required on-site parking would likely be in keeping with the spirit and intent of the ordinance and would not alter the essential character of the locality or be injurious to the use and enjoyment of other property in the vicinity. The applicant, while not providing the required parking per Chapter 541 of the zoning code, would be providing ample parking for the proposed employees that would utilize an on-site parking lot.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

To reduce the on-site parking requirement: The proposed parking variance would not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety. The applicant has shown that all parking necessary for the proposed development would be provided for on-site.

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 FAÇADE:

- 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.

- **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.**

There are no new structures proposed as part of the development. There are currently three existing structures on the site including two small office buildings in addition to the steel transfer station building which is approximately 45,000 square feet in size. The parcel is a very elongated industrial parcel and although the access road (Malcolm

Avenue SE) dead ends at the site, there isn't really a true frontage. None of the existing structures are located within 8 feet of the property line adjacent to Malcolm Avenue SE. There is some landscaping proposed between the existing buildings and the access road.

The principal entries to the existing office buildings are oriented towards Malcolm Avenue SE and towards the east lot line. The transfer facility has large overhead doors on the south, east and west elevations.

None of the existing buildings on site would meet the window requirements. It would not be reasonable to require window openings in the existing buildings on the site.

There are blank, uninterrupted walls greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements on various elevations. As previously mentioned the buildings are existing. The exterior materials would be compatible on all sides of the existing buildings.

The existing building forms and the roof pitches are compatible with other buildings in this industrial area.

No parking ramp is proposed as part of the development. All proposed parking for the development would be located in a surface parking lot located on the site.

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.**

There is no public sidewalk adjacent to the site. Therefore, no principal entrances are directly connected to the public sidewalk. Given the existing building placement, providing pedestrian access would be impractical.

There are no transit shelters within the development. The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines.

The existing development was previously designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There is no public alley adjacent to the site.

The site has been designed to minimize the use of impervious surfaces through a combination of open space and ground level landscaping.

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 proposal does not meet the 20% landscape requirement. The total site area is 261,360 square feet and the existing building footprints on the site would be approximately 50,000 square feet. A total of 42,272 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing 2,300 square feet of ground level landscaping or approximately 1% of the site not occupied by buildings. Alternative compliance would be required. The zoning code requires that there be at least 85 trees and 423 shrubs planted on the site. The applicant is proposing to have 18 new shrubs installed. According to the applicant there are existing trees on site that would remain along both the north and south property lines. Staff believes there are additional opportunities to provide on-site landscaping and will recommend that the Commission authorize Staff to work with the applicant on an improved plan.

No landscaped yards are required as the subject parcel does not front a public street.

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. Further, tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction. Alternative compliance would be required for both provisions as the proposal is not meeting the requirements. Staff believes that granting alternative compliance for both requirements would seem reasonable based on the circumstances relative to the use on site. Based on the proposed configuration of the parking on the site as well as the use of the majority of the site for maneuvering of trucks, staff believes it is impractical to require compliance with the above listed provisions.

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.

All parking is being provided on-site in a surface parking lot. Access to the site is located directly off of Malcolm Avenue SE. The water drainage on site has been designed so as not to drain onto any adjacent lots.

The applicant is not proposing any additional lighting on the site.

The City's CPTED officer has recommended that any additional plantings follow the 3' – 7' rule to allow visibility on site. Staff would concur with this recommendation.

The applicant is proposing to stripe a total of 17 parking spaces on the site.

The existing development has not resulted in the blocking of views, shadowing of public space or adjacent properties. The buildings have also not had significant impacts on light, wind and air in relation to the surrounding area.

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

ZONING CODE - The proposed uses are non-conforming and conditional in the I2 District.

Specific Development Standards for a recycling facility: 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.

Specific Development Standards for a waste transfer or disposal facility: Waste transfer or disposal facilities shall be located at least three hundred (300) feet from any residence or office residence district. All waste transfer or disposal facilities shall provide the following with any application for conditional use permit:

1. 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.
 - b. A description of the proposal and how it compares to land uses within three hundred fifty (350) feet of the site.
 - c. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water and air contamination.
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.
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.
4. A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations.
5. A vibration plan describing sources of vibration and indicating conformance with all applicable vibration regulations.
6. A drainage plan for stormwater management and runoff.
7. A landscape plan showing compliance with the requirement of Chapter 350, Recycling Activities and Salvage Yards, of the Minneapolis Code of Ordinances and Chapter 530, Site Plan Review.
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 has a copy of the EAW that was reviewed by and a negative declaration issued by the Minnesota Pollution Control Agency in March of 2006. All above listed criteria have been addressed within the context of that EAW. Further, the Environmental Services division will be involved with any additional permitting or requirements for the facility.

With the approval of the expansion of a non-conforming use, conditional use permit, variance, and site plan review, this development would meet the requirements of the I2 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires that the parking requirement for the recycling facility be determined as approved by conditional use permit, but not less than 1 space per 1,000 square of gross floor area up to 20,000 square feet plus 1 space per 2,000 square feet of gross floor area in excess of 20,000 square feet. Therefore, the parking requirement for the recycling facility would be 33 parking spaces. Even though there are two small office buildings located on the site, only one is utilized by the facility. The parking requirement for the office building is 4 spaces. Additionally, Chapter 541 of the zoning code requires that the parking requirement for waste disposal or transfer facilities be determined as approved by conditional use permit. Typically, Staff utilizes the guidance found in 541.170 to determine how many spaces should be required by the conditional use permit which include: (1) documentation regarding the actual parking demand for the proposed use; (2) the impact of the proposed use on the parking and roadway facilities in the surrounding area; (3) whether the proposed use is located near a parking area that is available to the customers, occupants, employees and guests of the proposed use; (4) the availability of alternative forms of transportation. Staff believes that because such a high parking number is required for the recycling portion of the development, that it is reasonable to require no additional parking for the waste transfer uses. The applicant is proposing to vary the parking requirement for the site from the 37 total required spaces to 17 parking spaces. The applicant has indicated that the only parking that occurs on the site is by employees and that typically 5-7 employees are present at one time. Staff believes that the provision of 17 parking spaces is adequate based on the proposed uses of the site.

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.

Signs: Any new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development.

Maximum Floor Area: The maximum F.A.R. for all structures located in the industrial districts is the gross floor area of the buildings which is approximately 50,000 square feet divided by the area of the lot which is 261,360 square feet. The outcome is .19 which is less than the maximum of 2.7 that is permitted in the I2 District.

Minimum Lot Area: Not applicable for this development.

Height: Maximum building height for of all principal structures located in the industrial districts is 4 stories, not to exceed 56 feet. The existing structures comply with this limitation.

Yard Requirements: There are no required yards for the proposed development.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

See the above listed response to finding #5 in the conditional use permit application.

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

No small area plans for this area of Minneapolis have been adopted by the City Council.

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 necessary as the proposal does not meet the 20% landscape requirement. A total of 42,272 square feet of landscaping would be necessary to meet the

20% requirement. The applicant is proposing 2300 square feet of ground level landscaping (primarily around the southernmost office building) or approximately 1% of the site not occupied by buildings. The zoning code requires that there be at least 85 trees and 423 shrubs planted on the site. The applicant is proposing to have 18 shrubs. Staff believes there are additional opportunities to provide on-site landscaping and will recommend that the Commission allow Staff to work with the applicant on an improved plan. Staff also recommends that the Planning Commission grant alternative compliance as there are unique circumstances relative to the subject site. The site is a large, industrial parcel with medium to heavy industrial uses. Requiring that the site meet the landscaping requirement would not seem reasonable given the circumstances of the site.

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. Further, tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction. Alternative compliance would be required for both provisions as the proposal is not meeting the requirements. Staff believes that granting alternative compliance for both would seem reasonable based on the circumstances relative to the use on site.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of a legal non-conforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow an expansion of a legal non-conforming use to allow the transfer of Municipal Solid Waste (MSW) at an existing waste transfer facility located on the property at 620 Malcolm Avenue SE subject to the following conditions:

1. Compliance with all applicable state and local regulations pertaining to the transfer of Municipal Solid Waste.
2. The use is subject to the specific development standards for a waste transfer facility as stated in Chapter 536 of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to amend a conditional use permit to allow a recycling facility on the property located at 620 Malcolm Avenue SE subject to the following conditions:

1. The use is subject to the specific development standards for a recycling facility as stated in Chapter 536 of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application to allow a variance to reduce the on-site parking requirement from 37 to 17 for property located at 620 Malcolm Avenue SE.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 620 Malcolm Avenue SE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by October 3, 2007 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Paving of all areas upon which motor vehicles and trucks park or maneuver as required by Section 541.300 of the zoning code.
4. The applicant shall continue to work with Staff to find additional locations for landscaping on the site. A minimum of 25 shrubs and 10 trees shall be provided on site.
5. The uses shall meet the enclosed building requirement as applicable in the I2 District as required by Section 550.280 of the zoning code.

Attachments:

1. Description of project
2. Correspondence
3. Findings of Fact – MPCA - EAW
4. MPCA permit information
5. Zoning map
6. Plans – site survey, site plan, floor plans, elevations, landscape plans
7. Photos
8. PDR report