

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variance and Site Plan Review
BZZ-5235

Date: August 15, 2011

Applicant: U.S. Federal Credit Union, Attn: David Hutchins, 1400 Riverwood Drive, Burnsville, MN 55337, (952) 736-5323

Address of Property: 3342 & 3346 Washington Avenue North

Project Name: Go Moto of Minnesota

Contact Person and Phone: Go Moto of Minnesota, Attn: Lissa Golden, 8617 Jefferson Highway, Osseo, MN 55369, (612) 520-1444

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

Date Application Deemed Complete: July 11, 2011

End of 60-Day Decision Period: September 8, 2011

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

Ward: 3

Neighborhood Organization: McKinley Community

Existing Zoning: I2 (Medium Industrial) district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 8

Lot area: 10,442 square feet or approximately .24 acres

Legal Description: The West ½ of Lots 1-3, Block 4, Bakers 4th Addition to Minneapolis.

Proposed Use: A motorcycle and motorized scooter sales and repair facility.

Concurrent Review:

- Conditional Use Permit to allow a major motorcycle repair facility (classified as major auto repair in the Zoning Code).
- Conditional Use Permit to allow a motorcycle sales facility (classified as auto sales in the Zoning Code).
- Variance of the minimum lot size requirement for a motorcycle sales facility (classified as auto sales in the Zoning Code) from the minimum of 12,000 square feet to approximately 10,442 square feet or a variance of approximately 13%.
- Site plan review to allow a new motorcycle and motorized scooter sales and repair facility in an existing building located in the I2 (Medium Industrial) district.

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

Background: The site is currently occupied by a vacant 5,970 square foot building that was constructed in 1963 and most recently used for minor automobile repair and as an automobile parts retail store. The subject properties are zoned I2 and located along Washington Avenue North just east of Interstate 94. The applicant proposes to locate a motorcycle and motorized scooter sales and repair facility on the premises. Motorized scooter sales are permitted uses in the I2 district; however, motorcycle sales are classified as automobile sales and require a conditional use permit. The repair aspect for both motorized scooters and motorcycle sales are classified as major automobile repair and require a conditional use permit as well. A variance is necessary as motorcycle sales (more specifically, automobile sales) require a minimum lot size of 12,000 square feet in the I2 district; the site is approximately 10,442 square feet in size which triggers the need for a lot area variance of approximately 13%. Site plan review is also required due to the automobile services uses proposed for the site.

The applicant proposes to relocate their business from its current location in Osseo, Minnesota to the subject site. The applicants own and operate a scooter and motorcycle dealership that primarily sells new and some used scooters and motorcycles. Scooter and motorcycle parts and accessories along with a repair department are proposed to be part of the proposed project. The business does not sell or repair large or loud motorcycles. The applicant proposes to modify the existing fencing, install landscaping and eventually create a rain garden and patron/employee seating area on the parcel to the south.

Previous land use applications were processed for the subject site in 2003 (BZZ-1186). The applications included a conditional use permit for minor automobile repair, variance of the off-street parking requirement and site plan review. The approved plans and associated conditions of approval were never fully implemented and were the source of numerous enforcement issues until the business closed in 2008.

Staff has not received official correspondence from the McKinley Community prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT – to allow a major motorcycle repair facility (classified as major automobile repair in the Zoning Code).

Findings as Required by the Minneapolis Zoning Code:

The Department of 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 Planning Division does not believe that allowing a motorcycle repair/major automobile repair facility on the premises would be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area is predominantly industrial and the site has been used for minor automobile repair and as an automobile parts retail store in the past. Planning Staff believes that the reestablishment of an automotive services use on the premises should not have adverse impacts.

2. 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 Planning Division does not believe that a motorcycle repair/major automobile repair facility would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. As previously noted, the property has been used as a minor automobile repair facility and automobile retail parts store in the past. According to City records, the building has been vacant since 2008. Based on the proposed use of the structure, building modifications and site improvements proposed for the site, it is anticipated that the proposal would help to strengthen and stabilize the area.

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

The applicant will continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. Minneapolis Development Review (MDR) did not require Preliminary Development Review (PDR) for the proposed project.

As for vehicular access, the applicant proposes to utilize the existing curb cut off of 34th Avenue North which leads to a customer parking area and to a single service bay in the lower level of the existing structure for the motorcycle repair aspect of the business.

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

The gross floor area of the existing building is 5,970 square feet. The applicant proposes to use a portion of the lower level or 725 square feet for motorized scooter/motorcycle repair and the remainder of the lower level and upper level or 5,245 square feet for motorized scooter/motorcycle sales. For the repair aspect, Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area excluding service bays plus 2 spaces per service bay. Due to the fact that the applicant is repairing motorcycles, there is a single repair bay which requires 2 spaces. The sales aspect requires 1 parking space per 500 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces) plus one space per 2,000 square feet of outdoor sales area plus 2 spaces per service bay. Based on the gross floor area of that component which totals 5,245 square feet, a minimum of 4 spaces must be provided. There is no outdoor sales proposed and the singular service bay has already been accommodated in the off-street parking requirement. Therefore, a total of 6 off-street parking spaces are required. The applicant is proposing a total of 7 spaces; one of which would need to be removed due to spacing concerns. The proposal meets the minimum off-street parking requirement. There is no bicycle parking requirement for automobile services uses.

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an urban neighborhood due east of Interstate 94 and due west of the Mississippi River. There are no designated land use features within close proximity to the subject site. All of the properties within the immediate vicinity are zoned I2. The proposal is generally consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “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.” This policy

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includes the following applicable implementation steps: (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”; (1.2.2) “Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties”.

Land Use Policy 1.6 of *The Minneapolis Plan for Sustainable Growth* states, “Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

The subject site is also located within the boundaries of the Above the Falls Upper River Master Plan which was adopted by the City Council in 2000; an update to the plan is currently underway. This plan creates a vision for developing the Mississippi riverfront into a regional park amenity in north and northeast Minneapolis. There are many recommendations and implementation strategies outlined in the plan. The future vision/land use identified for the subject site and surrounding area is medium to high density residential.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If all land use/zoning applications are approved, including the conditional use permits, variance and site plan review, the proposal would appear to comply with all applicable provisions of the I2 District. The use is also subject to the specific development standards as outlined in Chapter 536 of the Zoning Code.

CONDITIONAL USE PERMIT – to allow a motorcycle sales facility (classified as automobile sales in the Zoning Code).

Findings as Required by the Minneapolis Zoning Code:

The Department of 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 Planning Division does not believe that allowing a motorcycle sales facility/automobile sales facility on the premises would be detrimental to or endanger the public health, safety, comfort or general welfare. The surrounding area is predominantly industrial and the site has been used for automobile services uses in the past. Planning Staff believes that the reestablishment of an automotive services use on the premises should not have adverse impacts.

2. 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 Planning Division does not believe that a motorcycle sales facility/automobile sales facility would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. As previously noted, the property has been used for automobile services uses in the past. According to City records, the building has been vacant since 2008. Based on the proposed use of the structure, building modifications and site improvements proposed for the site, it is anticipated that the proposal would help to strengthen and stabilize the area.

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

The applicant will continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. Minneapolis Development Review (MDR) did not require Preliminary Development Review (PDR) for the proposed project.

As for vehicular access, the applicant proposes to utilize the existing curb cut off of 34th Avenue North which leads to a customer parking area and to a single service bay in the lower level of the existing structure for the motorcycle repair aspect of the business.

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

The gross floor area of the existing building is 5,970 square feet. The applicant proposes to use a portion of the lower level or 725 square feet for motorized scooter/motorcycle repair and the remainder of the lower level and upper level or 5,245 square feet for motorized scooter/motorcycle sales. For the repair aspect, Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area excluding service bays plus 2 spaces per service bay. Due to the fact that the applicant is repairing motorcycles, there is a single repair bay which requires 2 spaces. The sales aspect requires 1 parking space per 500 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces) plus one space per 2,000 square feet of outdoor sales area plus 2 spaces per service bay. Based on the gross floor area of that component which totals 5,245 square feet, a minimum of 4 spaces must be provided. There is no outdoor sales proposed and the singular service bay has already been accommodated in the off-street parking requirement. Therefore, a total of 6 off-street parking spaces are required. The applicant is proposing a total of 7 spaces; one of which would need to be removed due to spacing concerns. The proposal meets the minimum off-street parking requirement. There is no bicycle parking requirement for automobile services uses.

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

See the above listed response to finding number five in the conditional use permit application for major motorcycle repair/major automobile repair. The policies and implementation steps outlined apply to the proposed conditional use permit application for motorcycle sales/automobile sales as well.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If all land use/zoning applications are approved, conditional use permits, variance and site plan review, the proposal would appear to comply with all applicable provisions of the I2 District. The use is also subject to the specific development standards as outlined in Chapter 536 of the Zoning Code.

VARIANCE – of the minimum lot size requirement for a motorcycle sales/automobile sales facility.

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Automobile sales facilities require a minimum lot area of 12,000 square feet in the I2 district; the site is approximately 10,442 square feet in size which triggers the need for a lot area variance of approximately 13%. Practical difficulties exist in complying with the ordinance because there is no additional land area adjacent to the site that could be acquired for the proposed use. Further, the reuse of the existing industrial structure for an automobile services use within an industrial area seems to be contextually appropriate. The circumstances were not created by persons presently having an interest in the property.

2. The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.

The proposal to use the existing structure for a motorized scooter/motorcycle repair and sales facility is reasonable given the context of the area and will be in keeping with the spirit and intent of the ordinance and the comprehensive plan. The applicant is seeking a variance to reduce the minimum lot size requirement by approximately 13%. Presumably, motorcycle sales can be accommodated on a smaller site than automobile sales. Allowing the structure to be adaptively reused is reasonable given the existing conditions, and further, is consistent with adopted policy as noted above in finding number five of the conditional use permit application.

3. The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.

The Planning Division believes that the granting of this variance would not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity, nor would it be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties. The proposal to utilize the existing structure for a motorized scooter and motorcycle repair and sales facility could potentially stabilize the area by providing services to area residents.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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.

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- **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, 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.**
 - 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.**

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

Minimum window area shall be measured as indicated in section 530.120 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. 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 5,970 square foot building is existing on the premises. No modifications to the building are proposed. Industrial uses abut the property on the north, south and east. The existing elevations will not be evaluated for purposes of the window requirements. Typically, non-residential developments are subject to a 30% window requirement on the ground floor. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets, public sidewalks and on-site parking areas. A 10% window requirement typically applies on each floor above the first floor. There is one existing window in the facade along Washington Avenue North (as well as within the principal entrance door off Washington Avenue North and the garage door at the lower level) but it is not vertical in nature or evenly distributed. Alternative compliance is not necessary as these are existing conditions.

The building is exempt from the ground floor active functions provision.

The existing exterior materials and appearance of the rear and side walls of the existing building would be somewhat similar to and compatible with the front of the building although the front façade is the only elevation of the building that is clad in brick. The remaining elevations (sides and back of the building) are masonry block but should be painted to match the brick on the front elevation of the structure. The existing elevations will not be evaluated for blank uninterrupted walls that exceed 25 feet in width. The existing roofline is flat.

The parking proposed for the development would be accessed off of 34th Avenue North. There are a total of 6 parking stalls proposed within the surface parking lot that meet Chapter 541 standards. No ramp is proposed as part of the development.

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.**

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The existing building is located up to the property line/public sidewalk along Washington Avenue North but setback from the property line along 34th Avenue North. This is an existing condition of the site.

No transit shelters are proposed as part of this development. The site is located a couple blocks from the closest bus line.

There are no surrounding residential uses. The existing development has generally been designed to minimize conflicts with pedestrian traffic.

There are no public alleys adjacent to the site.

According to the applicant's submittal, approximately 13% of the site (not occupied by the building) will be landscaped. Currently there is some open space on the property (specifically the 3342 Washington Avenue North property) but it is not landscaped. That portion of the site is fenced off and partially dirt/grass/weeds. Planning Staff is recommending that the Planning Commission require that the applicant seed that area and maintain it as well as remove the temporary fence in that location. The applicant hopes to eventually create a raingarden and patron/employee seating area in this location in the future.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 10,442 square feet. The footprint of the building is 2,985 square feet. When you subtract

the footprint from the lot size the resulting number is 7,457 square feet.; 20% of this number is 1,491 square feet. According to the applicant's landscaping plan the applicant is proposing to install 990 square feet of landscaping on the site or approximately 13% percent of the site not occupied by the building. Alternative compliance would be necessary. Based on the industrial nature of the existing site, Planning Staff would recommend that the Planning Commission grant alternative compliance. However, the 3342 Washington Avenue North parcel located to the south of the building is in poor condition. As previously noted, the site is partially dirt/grass/weeds and is currently fenced off with a temporary fence. Planning Staff would recommend that this unsightly area be seeded and maintained, and that the fence on this portion of the site be removed. As previously noted, the applicant plans to eventually create a raingarden and patron/employee seating area in this location in the future. There are limited opportunities for landscaping on the remainder of the site as the existing building and the concrete parking area on the 3346 Washington Avenue North parcel (the parcel located at the corner of 34th Avenue North and Washington Avenue North) cover nearly the entire site. There are some grass/weeds located within the public right-of-way along 34th Avenue North that the applicant proposes to plant with some shrubs/plants. Fencing surrounds the 3346 Washington Avenue North parcel as well, and the applicant proposes to install some graffiti proof panels on the existing fencing, some arborvitae shrubs between the fence and the sidewalk as well as plant climbing vines for growth on the fencing abutting both Washington Avenue North and 34th Avenue North.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 trees and 15 shrubs. The applicant is proposing to plant zero trees and 17 shrubs. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require the site to meet the minimum quantities of deciduous trees.

A seven-foot wide landscaped yard is required between the parking area and both Washington Avenue North and 34th Avenue North. However, the parking area is located at a substantially lower grade than either of the public streets and no perimeter landscaping is provided. Alternative compliance would be necessary. Due to the fact that the surface parking is located below grade, and tall retaining walls exist along both street frontages, it would not be practical to require compliance with the landscaped yard requirement. Screening is also required along both street frontages. The applicant proposes to install graffiti proof panels on the existing fencing, install arborvitae plants and also screen with climbing vines. The screening doesn't meet the standards outlined in Section 530.170 of the Zoning Code; alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance due to the industrial nature of the site and surrounding properties provided the screening measures proposed by the applicant are installed.

The proposed parking lot would not have 10 spaces or more, so it would be exempt from the standards pertaining to the location of every parking space within 50 feet from an on-site deciduous tree as well as the tree island provision. The surface parking lot does however require alternative compliance as the plan currently does not meet the 25 foot linear tree requirement along Washington Avenue North and 34th Avenue North. A total of 4 canopy trees, 2 along each street frontage would be necessary to meet the requirement. Planning Staff will recommend that the Planning Commission grant alternative compliance due to the grade restraints on site.

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.

The surface parking area exists and due to the grades on site, likely cannot accommodate stormwater runoff in the adjacent green space areas.

The building is existing on the premises and would not result in the blocking of any views, have any shadowing impacts or impacts on light, wind and air in relation to the surrounding area.

The site plan generally complies with crime prevention design elements as there are walkways that direct people to the building entrance and there are windows that allow for some natural surveillance. It appears that the site could use some additional lighting at the building entrances.

This site is neither historically designated nor located in a historic district.

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 of the site are conditional in the I2 District. If all land use/zoning applications are approved, including the conditional use permits, variance, and site plan review, the proposal would comply with all applicable provisions of the I2 district. The use is also subject to the specific development standards outlined in Chapter 536 of the Zoning Code which are as follows:

Major automobile repair

- (1) All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (6) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (7) In the I1, Light Industrial District, the use shall be located at least three hundred (300) feet from a residence or office residence district.

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- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Automobile sales

- (1) Fuel pumps for the purpose of the retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes dispensing of fuel for the automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (2) The rental of passenger automobiles shall be prohibited, except as an accessory use. Bed and breakfast home.

Parking and Loading:

Minimum automobile parking requirement: The gross floor area of the existing building is 5,970 square feet. The applicant proposes to use a portion of the lower level or 725 square feet for motorized scooter/motorcycle repair and the remainder of the lower level and upper level or 5,245 square feet for motorized scooter/motorcycle sales. For the repair aspect, Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area excluding service bays plus 2 spaces per service bay. Due to the fact that the applicant is repairing motorcycles, there is a single repair bay which requires 2 spaces. The sales aspect requires 1 parking space per 500 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces) plus one space per 2,000 square feet of outdoor sales area plus 2 spaces per service bay. Based on the gross floor area of that component which totals 5,245 square feet, a minimum of 4 spaces must be provided. There is no outdoor sales proposed and the singular service bay has already been accommodated in the off-street parking requirement. Therefore, a total of 6 off-street parking spaces are required. The applicant is proposing a total of 7 spaces; one of which would need to be removed due to spacing concerns. The proposal meets the minimum off-street parking requirement.

Maximum automobile parking requirement: The maximum automobile parking requirement for major automobile repair facilities is 1 space per 200 square feet of gross floor area plus 2 spaces per service bay. Based on the proposed service bay, 2 spaces would be the maximum for this component. The maximum automobile parking requirement for automobile sales is 1 space per 300 square feet of gross floor area plus 1 space per 1,000 square feet of outdoor sales area plus 2 spaces per service bay. Based on the gross floor area of that component which totals 5,245 square feet, a maximum of 17 spaces could be provided. There is no outdoor sales proposed and the singular service bay has already been accommodated. Based on the combined total, the maximum off-street parking for the uses would be 19 spaces. The applicant is proposing a total of 7 spaces; one of which would need to be removed due to spacing concerns.

Bicycle parking requirement: There is no bicycle parking requirement for automobile services uses.

Loading: There is no loading requirement for automobile services uses under 10,000 square feet; therefore, no loading space is required for the proposal.

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. The development complies with this provision as the trash will be stored within the building.

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Signs: All signs will be expected to comply with Chapter 543 of the Zoning Code. All new signage requires a separate permit from the Zoning Office.

Lighting: Plannign Staff will recommend that additional site lighting be installed. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Maximum Floor Area: The maximum F.A.R. in the I2 district is the gross floor area of the building which would is approximately 5,970 square feet divided by the area of the lot which is 10,442 square feet. The outcome is approximately .57 which is less than the maximum of 2.7 that is permitted in the I2 District. The proposal is in compliance with this requirement.

Minimum Lot Area: The minimum lot area requirement for automobile sales in the I2 district is 12,000 square feet. The applicant has applied for a variance to reduce the minimum lot area requirement by approximately 13% as the site is approximately 10,442 square feet in size.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the I2 district is 4 stories or 56 feet, whichever is less. The existing building totals 1 story or 19 feet, 4 inches tall which conforms to the requirement.

Yard Requirements: There are no yard requirements; not applicable for this development.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

See the above listed response to finding number five in the conditional use permit application. The policies and implementation steps outlined apply to the proposed conditional use permit application as well.

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

The subject site is located within the boundaries of the Above the Falls Upper River Master Plan. See the above listed response to finding number five in the conditional use permit application.

ALTERNATIVE COMPLIANCE:

- The Planning Commission or zoning administrator 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.

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- **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:

- 20% landscaping requirement: The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 10,442 square feet. The footprint of the building is 2,985 square feet. When you subtract the footprint from the lot size the resulting number is 7,457 square feet.; 20% of this number is 1,491 square feet. According to the applicant's landscaping plan the applicant is proposing to install 990 square feet of landscaping on the site or approximately 13% percent of the site not occupied by the building. Alternative compliance would be necessary. Based on the industrial nature of the existing site, Planning Staff would recommend that the Planning Commission grant alternative compliance. However, the 3342 Washington Avenue North parcel located to the south of the building is in poor condition. As previously noted, the site is partially dirt/grass/weeds and is currently fenced in by a temporary fence. Planning Staff would recommend that this unsightly area be seeded, and the fence on this portion of the site removed. There are limited opportunities for landscaping on the remainder of the site as the existing building and the concrete parking area on the 3346 Washington Avenue North parcel (the parcel located at the corner of 34th Avenue North and Washington Avenue North) cover nearly the entire site. There are some grass/weeds located within the public right-of-way along 34th Avenue North that the applicant proposes to plant with some shrubs/plants. Fencing surrounds the 3346 Washington Avenue North parcel as well, and the applicant proposes to install some graffiti proof panels on the existing fencing, some arborvitae shrubs between the fence and the sidewalk as well as plant climbing vines for growth on the fencing abutting both Washington Avenue North and 34th Avenue North.
- Landscape quantities: The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 3 trees and 15 shrubs. The applicant is proposing to plant zero trees and 17 shrubs. Alternative compliance would be necessary. Planning Staff would recommend that the Planning Commission require the site to meet the minimum quantities of deciduous trees.
- Landscaping/screening requirement: A seven-foot wide landscaped yard is required between the parking area and both Washington Avenue North and 34th Avenue North. However, the parking area is located at a substantially lower grade than either of the public streets and no perimeter landscaping is provided. Alternative compliance would be necessary. Due to the fact that the surface parking is located below grade, and tall retaining walls exist along both street frontages, it would not be practical to require compliance with the landscaped yard requirement. Screening is also required along both street frontages. The applicant proposes to install graffiti proof panels on the existing fencing, install arborvitae plants and also screen with climbing vines. The screening doesn't meet the standards outlined in Section 530.170 of the Zoning Code; alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance due to the industrial nature of the site and surrounding properties provided the screening measures proposed by the applicant are installed.
- 25 foot linear tree requirement: The surface parking lot does require alternative compliance as the plan does not meet the 25 foot linear tree requirement along Washington Avenue North and 34th Avenue North. A total of 4 canopy trees, 2 along each street frontage would be necessary to meet the requirement. Planning Staff will recommend that the Planning Commission grant alternative compliance due to the grade restraints on site.

RECOMMENDATIONS

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 conditional use permit application to allow a major motorcycle repair facility (classified as major auto repair in the Zoning Code) on the properties located at 3342 & 3346 Washington Avenue North subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with the Specific Development Standards as outlined in Section 536.20 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 conditional use permit application to allow a motorcycle sales facility (classified as auto sales in the Zoning Code) on the properties located at 3342 & 3346 Washington Avenue North subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with the Specific Development Standards as outlined in Section 536.20 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 variance application to allow a reduction in the minimum lot size requirement for a motorcycle sales facility (classified as auto sales in the Zoning Code) from the minimum of 12,000 square feet to approximately 10,442 square feet or a variance of approximately 13% for the properties located at 3342 & 3346 Washington Avenue North.

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 to allow

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a new motorcycle and motorized scooter sales and repair facility within the existing building located on the properties at 3342 & 3346 Washington Avenue North subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by April 11, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Additional site lighting shall be installed at the building entrances.
4. The sides and rear of the building shall be painted to match the front of the building.
5. The 3342 Washington Avenue North parcel shall be seeded and maintained. The temporary fence located on the south side of the building shall be entirely removed.
6. The fencing on the north side of the building shall be modified to include the graffiti proof panels as proposed, arborvitae shrubs and climbing vines shall be planted adjacent to the existing fencing. The brackets on top of the fence shall be removed.
7. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.

Attachments:

1. Statement of proposed use and description of the project
2. Conditional use permit and variance findings
3. Correspondence
4. Zoning Map
5. Civil drawings, site plan/ landscaping plan, and elevations
6. Photographs of the site