

Background: The industrial site is currently a developed parcel with a 10,573 square foot building and a large fenced asphalt area most recently utilized by a welding business. Cedar Towing & Auction proposes to relocate their business from its current location at 359 Hoover Street NE, to the Snelling Avenue properties. The property is currently zoned I2 which would ordinarily allow a towing service as a conditional use; however, the property also is located in a PO Overlay District which prohibits transportation uses which include towing services. In order to allow the business to relocate to the site, the property must be rezoned to remove the PO Overlay District. Should the proposed rezone be approved, and the PO Overlay District removed, the use would be allowed with the approval of a conditional use permit, a variance of the off-street parking requirement as well as site plan review.

Cedar Towing & Auction's business operations include towing and towing related services including, service tows, motor club towing/services, impound towing, jump starts, lock-outs, winching, tire changes and gas fills. Cedar Towing & Auction also provides snow plowing services, lot sweeping and a striping service. Further, the business also holds an Auto Lien Auction on Tuesdays at 11 am either weekly or bi-weekly depending on the volume of vehicles available at that particular time.

The existing building appears to have possibly housed two separate businesses at one time; both potentially being live-work related spaces. The structure has most recently been used by a welding business.

The applications were originally scheduled for the August 1, 2011, City Planning Commission meeting; however, the applicant requested that the applications be continued for one cycle until the August 15, 2011, meeting due to scheduling conflicts.

Staff has not received official correspondence from the Longfellow Community Council prior to the printing of this report. One neighborhood letter received has been attached for reference. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcels are located within the 38th Street Transit Station Area (TSA), which is the designated geographic region, served by the 38th Street Light Rail Transit (LRT) station on the Hiawatha Line. The subject sites are zoned I2 with a PO Overlay District, are located in an area designated for mixed-use development as well as within the boundaries of an Activity Center. The east half of the 38th Street Station Area is slated for a base rezoning study expected to commence this fall which would align the zoning classifications in the area with the anticipated future land use/adopted City policy. As part of this rezoning study it is anticipated that the base zoning of the subject parcels would change, but the recently implemented PO Overlay District would remain.

City Planning Staff utilized the following principles/criteria as guidance when applying the PO Overlay District in the various neighborhood LRT transit station areas along the Hiawatha corridor in 2004/2005: (1) Planned and regulated land use (Minneapolis Plan and station area plan designations and zoning regulations); (2) Proximity to station; (3) Pedestrian and mixed-use corridors (including Commercial and Community Corridors); (4) Contiguity and scale of commercial/mixed-use districts and corridors. The specifics of that designation criteria have been attached for reference. The subject sites are located within approximately a ¼ mile of the station and the PO Overlay District was applied to I1-I3 zoned properties within a ¼ mile of the station as these areas were considered to be job generating uses in close proximity to transit. The additional

Department of Community Planning and Economic Development – Planning Division
BZZ-5216

regulations and provisions of the PO Overlay District were applied to ensure that job density is, on average, greater, that more efficient use of land for jobs occurs, and that automobile and transportation related uses are prohibited.

Additionally, the subject parcels are located approximately mid-block between 35th Street East and 36th Street East with frontage on both Dight Avenue and Snelling Avenue. According to the *Industrial Land Use and Employment Policy Plan*, which was adopted by the City Council in 2006, the parcel is located approximately a half block outside of a portion of the designated Seward/Hiawatha Industrial Employment District that begins north of 35th Street East. The *Industrial Land Use and Employment Policy Plan* identifies where existing and new industrial uses should be located and what components, either existing or new, these uses will require. Parcels south of 35th Street East were not identified for future industrial uses as a result of their proximity to the LRT station at 38th Street.

As noted in *The Minneapolis Plan for Sustainable Growth*, “Transit Station Area (TSA) is a land use policy feature arising from regional investment in dedicated, fixed-route transit lines, referred to as “transitways” in the *Metropolitan Council’s 2030 Transportation Policy Plan* (e.g., light rail transit (LRT), commuter rail, and busway). These station areas represent unique opportunities and challenges that require special policy consideration. As such, TSAs call for tools that maximize potential community development benefits of transit while also strengthening and protecting the surrounding neighborhoods.” Various City policies call for changes in TSAs, including appropriate higher residential and commercial densities near the station, mixed-use development and an environment that is friendly to pedestrians and bicyclists. Following the direction of the City’s Comprehensive plan, the *38th Street Station Area Plan* (along with other station area master plans throughout the Hiawatha LRT Corridor) was created to guide the evolution of the area.

The proposal by the applicant to remove the PO Overlay District from the subject parcels in order to allow a transportation use (more specifically a towing service) via a conditional use permit, which is prohibited in the PO Overlay District is not in compliance with or consistent with the following 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 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 1.12: Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each center its unique urban character. This policy includes the following applicable implementation steps: (1.12.4) “Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive-through facilities.”

Land Use Policy 1.13: “Support high density development near transit stations in ways that encourage transit use and contribute to interesting and vibrant places.” This policy includes the following applicable implementation steps: (1.13.1) “Encourage pedestrian-oriented services and retail uses as part of higher density development near transit stations; (1.13.3) “Discourage uses that diminish the transit and pedestrian character of areas around transit stations, such as automobile services, surface parking lots, and drive-through facilities.”

Land Use Policy 1.14: “Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses. This policy includes the following applicable implementation step: (1.14.2) “Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.”

Department of Community Planning and Economic Development – Planning Division
BZZ-5216

As previously noted, the *38th Street Station Area Plan* which was adopted by the City Council in 2006, provides additional guidance for the evolution of the area. The plan identifies opportunities for enhancing the character, identity, and economic vitality of the 38th Street LRT Station Area which includes identifying locations, priorities and guidelines for new development, as well as improving the character of the area and strengthening a “sense of place.” Particular challenges and opportunities in developing a sense of place include bridging the communities on either side of Hiawatha Avenue and guiding the evolution of the adjacent industrial and freight rail corridor. As such, it serves as the primary guide for Planning Commission review, zoning changes, capital investment, and housing and commercial development activities in this part of the city.

In the *38th Street Station Area Plan*, the site is located within the Hiawatha North District. The plan envisions master planned industrial redevelopment north of 35th Street East, which is consistent with the aforementioned City’s *Industrial Land use and Employment Policy Plan*. The plan states that “over time, small-scale industrial uses have encroached into single-family housing that fronts Snelling Avenue. The plan discourages continuing to use these or converting existing residential or small-scale commercial structures into more industrial-type uses along Snelling. Any new industrial uses or expansion of industry should not exacerbate this problem. The plan identifies a preferred consistent building form scenario of high density townhomes/stacked flats along the west side of Snelling between 33rd and 37th Streets. The plan identifies a second phase of high density mixed-use that would occur following the establishment of such uses to the south in Hiawatha Central. Given the economics of redevelopment south of 35th Street, as well as land ownership patterns, the City will support high density mixed-use in this area should these industrial operations cease.”

The proposal to remove the PO Overlay District from the subject parcels is inconsistent with adopted City policy and therefore, cannot be supported by Planning Staff. Should there be substantive justification, the extent of the PO Overlay District could potentially be reanalyzed during the base rezoning study for the east half of the 38th Street Station Area anticipated to transpire this fall. However, justification would be necessary to reinterpret/revisit adopted City policy in this geographic region. Without benefit of a completed comprehensive analysis of adopted City policy, Planning Staff cannot support approval of an isolated request to remove the PO in this location for the purposes of establishing a towing service.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

A rezoning to remove the PO Overlay District from the property would be considered primarily in the interest of the property owner, as it would allow the business to relocate to the premises which currently prohibits transportation uses. However, the amendment could also somewhat be considered beneficial to the public interest insofar as it would allow for the existing structure to be occupied by a new use as well as provide some site improvements that could result in a more aesthetically pleasing site.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is currently zoned I2 with a PO Overlay District. The PO Overlay District which the applicant proposes to remove prohibits the following uses: drive-through facilities, automobile services uses and transportation uses which include towing services. Should the Planning Commission recommend that the City Council approve the request to remove the PO, these uses would no longer be prohibited on the properties and instead would be allowed via conditional use permit approval. The remainder of the uses allowed in the I2 district would still be allowed with or without the PO. As previously noted, the subject sites are located in an area designated for mixed-use development as well as within the boundaries of an Activity Center. The east half of the 38th Street Station Area is slated for a base rezoning study expected to commence this fall which

would align the zoning classifications in the area with the anticipated future land use/adopted City policy. As part of this rezoning study it is anticipated that the base zoning of the subject parcels would change, but the recently implemented PO Overlay District would remain. The existing zoning classifications are not yet in line with adopted policy. There is a mix of uses in the area including residential, industrial and commercial uses. Based on adopted City policy consistent with development policies within the City's TSA boundaries, rezoning the site to remove the PO would be inappropriate in this location without further analysis and study.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

Planning Staff would argue that there are reasonable uses of the property allowed under the current I2 zoning, with the PO Overlay District, as a wide range of medium industrial type uses are both permitted and allowed as conditional uses. The only uses that the PO prohibits are drive-through facilities, automobile services uses and transportation uses which include towing services.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Under the 1963 Zoning Code, the subject properties as well as the remainder of the properties on the block bounded by 35th Street East, 36th Street East, Dight Avenue and Snelling Avenue were zoned M1-1 (Light Manufacturing) District. Planning Staff would contend that there has been a change in the general area as a result of the construction of the Hiawatha LRT line. The majority of the changes in character/trend of development have thus far been localized in the area closest to 38th Street Station. However, Planning Staff believes that the intended base rezoning study for the east half of the 38th Street Station Area which is slated for this fall will likely act as a stimulus for additional Transit Oriented Development with the broader station area. Planning Staff believes that the rezoning request to remove the PO Overlay District from the parcels to allow a towing service is an isolated request that is inconsistent with adopted City policy.

CONDITIONAL USE PERMIT – to allow a towing service.

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 generally believe that allowing a towing service would be detrimental to or endanger the public health, safety, comfort or general welfare. However, due to the fact that the subject sites are located in a TSA, within approximately a ¼ mile of the station, the proposed use is at odds with the long term City goals in this location along the Hiawatha LRT line. Without revisiting adopted City policy in a more comprehensive fashion, it is difficult to assess the potential for adverse impacts as a result of allowing the removal of the PO on two mid-block parcels. Further, Planning Staff anticipates that the applicant will seek an extended hours license in order to allow towing 24 hours a day, 7 days a week as their current facility in NE operates under these extended operational hours.

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 site has been utilized for industrial uses for many years. The Planning Division does not generally believe that allowing a towing service 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. However, due to the extensive reinvestment in the area, specifically the construction of the Hiawatha LRT line, removing the PO could have detrimental impacts on the ability of the City to guide redevelopment within this area that meets City goals. There is the potential that allowing a towing service, mid-block in this area could impact future development opportunities. As previously noted, Planning Staff also anticipates that the applicant will seek an extended hours license in order to operate their facility 24 hours per day.

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. The Preliminary Development Review (PDR) Report is attached for reference.

As for vehicular access, the applicant proposes to install a new curb cut off of Snelling Avenue for the provision of customer parking adjacent to the principal entrance to the structure which is also located off of Snelling Avenue. The parcels front on both Dight Avenue and Snelling Avenue. Current access to the site is off of Dight Avenue.

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

Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces) plus 1 space per 4,000 square feet of motor vehicle storage area. The gross floor area of the building is 10,570 square feet which requires 13 spaces. The motor vehicle storage area is a total of 12,770 square feet and therefore, requires an additional 3 spaces. A total of 16 off-street parking spaces are required for the proposed use. The applicant is proposing to provide 4 spaces which meet the minimum size requirements. The applicant has filed a variance to reduce the minimum parking requirement.

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

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed conditional use permit application 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, including the rezoning to remove the PO Overlay District, conditional use permit, variance and site plan review, the proposal would appear to comply with all applicable provisions of the I2 District including Section 550.110 of the Zoning Code.

VARIANCE - to reduce the required off-street parking from 16 to 4 spaces.

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.

As previously mentioned, the proposed use is prohibited without removal of the PO Overlay District, therefore it would be difficult to justify a variance unless the towing service use were deemed to be appropriate on the site. It doesn't appear that there has ever been a formal designated parking area on the site; however, much of the site is paved. It is likely that informal parking has been provided off of Dight Avenue adjacent to the existing loading docks.

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 site for a towing service is not keeping with the spirit and intent of the ordinance and comprehensive plan unless the PO Overlay District is removed from the premises. Should the rezoning be approved and the use deemed appropriate, it is likely that one would consider the use of the site reasonable.

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 proposed use is prohibited unless the PO Overlay District is removed from the parcels. Towing services would not generally be expected to generate significant amounts of traffic, however, the use is transportation based which could have impacts on the vision to make the area more pedestrian friendly.

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.
- 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.

Department of Community Planning and Economic Development – Planning Division
BZZ-5216

- 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 10,570 square foot building is existing on the premises. No modifications to the building are proposed. Residential uses abut the property on the north and south and are also located across Snelling Avenue. The existing elevations will not be evaluated for the 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. A 10% window requirement typically applies on each floor above the first floor. The windows in the existing building are vertical in nature but are not 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 similar to and compatible with the front of the building although the front façade is the only elevation of the building that is painted. 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 Snelling Avenue. There are a total of 4 parking stalls proposed within the surface parking lot. 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.**

The existing building is setback from the property lines along both street frontages. The principal entrance to the structure is located off of Snelling Avenue and is directly connected to the public sidewalk via a walkway that is at least 4 feet in width.

No transit shelters are proposed as part of this development; however, the site is located approximately within a ¼ mile of the Hiawatha LRT 38th Street Station as well as within a block of the bus line that runs along Minnehaha Avenue.

The development has generally been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. Should the applications be approved, and the alternative compliance recommendations required by the Planning Commission, the impacts would be further reduced.

There are no public alleys adjacent to the site.

According to the applicant's submittal, approximately 18% of the site (not occupied by the building) will be landscaped. Currently there is some landscaping on the premises, however the applicant proposes to landscape additional areas adjacent to Snelling Avenue as part of the proposal.

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 30,890 square feet. The footprint of the building is 9,013 square feet. When you subtract the footprint from the lot size the resulting number is 14,534 square feet.; 20% of this number is 2,907 square feet. According to the applicant's landscaping plan there is 2,658 square feet of landscaping on the site or approximately 18% percent of the site not occupied by the building. Alternative compliance would be necessary. Based on the industrial nature of the existing site, should the rezoning be approved and consequently the use approved, Planning Staff would recommend that the Planning Commission grant alternative compliance. The applicant has expanded the landscaped area along Snelling Avenue which is the most appropriate location on the premises given the nature of the site.

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 6 trees and 29 shrubs. The applicant is proposing to plant 6 coniferous trees in lieu of the required canopy trees and shrubs along Snelling Avenue. Alternative compliance would be necessary. Planning Staff would recommend that should the Planning Commission approve the associated applications that the project be required to meet the minimum quantities of deciduous trees and shrubs as well as include sod within the newly landscaped areas adjacent to the public sidewalk along Snelling Avenue.

A seven-foot wide landscaped yard is required between the parking area and Snelling Avenue along the east property line. The applicant is providing a 9.7 foot wide yard in this location; however, it is not landscaped and screened in accordance with the Zoning Code which requires alternative compliance. Planning Staff will recommend that the Planning Commission require that the final plan be modified to meet all landscaping and screening standards as outlined in Section 530.170 of the Zoning Code should the land use applications be approved. A seven-foot wide landscaped yard is also required between the parking area and Dight Avenue along the west property line as well. Currently, this is not shown on the submitted plans. The area is also not landscaped and screened in accordance with the Zoning Code. Alternative compliance is required. Planning Staff will recommend that the Planning Commission require that the final plan be modified to meet all landscaping and screening standards as outlined in Section 530.170 of the Zoning Code should the land use applications be approved.

The proposed parking lot would not have 10 spaces or more, so it would be exempt from the standards pertaining to the location of 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 Snelling Avenue. A total of 2 canopy trees would be necessary to meet the requirement. Planning Staff will recommend that the Planning Commission require compliance and have the plan modified accordingly should the land use applications be approved.

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 could be accommodated to direct stormwater runoff into the green space areas on

the subject site.

The building is existing. Staff would not expect the proposal to result in the blocking of any views, 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.

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 use of the site is prohibited in the PO Overlay District but it allowed as a conditional use in the I2 District. If all land use/zoning applications are approved, including the rezoning, conditional use permit, variance, and site plan review, the proposal would comply with all applicable provisions of the I2 district.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces) plus 1 space per 4,000 square feet of motor vehicle storage area. The gross floor area of the building is 10,570 square feet which requires 13 spaces. The motor vehicle storage area is a total of 12,770 square feet and therefore, requires an additional 3 spaces. A total of 16 off-street parking spaces are required for the proposed use. The applicant is proposing to provide 4 spaces which meet the minimum size requirements. The applicant has filed a variance to reduce the minimum parking requirement.

Maximum automobile parking requirement: The maximum automobile parking requirement for a towing service is 1 space per 200 square feet of gross floor area plus 1 space per 2,000 square feet of motor vehicle storage area. Based on the gross floor area of the building which is 10,570 square feet, 53 off street parking spaces would be the maximum for this component. Additionally, the motor vehicle storage area totals 12,770 square feet which would allow 6 additional off-street parking spaces. Therefore, the maximum off-street parking requirement for the facility would be 59 off-street parking spaces.

Bicycle parking requirement: There is no bicycle parking requirement for towing services.

Loading: There is no loading requirement for towing services.

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 would be stored within the building.

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. No new signage is proposed at this time.

Lighting: All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 and Planning Staff shall review the details of the fixtures in the final review prior to

Department of Community Planning and Economic Development – Planning Division
BZZ-5216

permit issuance. Residential uses are located on either side of the site and all lighting would need to be sensitive to these existing uses if the applications are approved.

Maximum Floor Area: The building is existing. The maximum F.A.R. in the I2 district is the gross floor area of the building which would be approximately 10,570 square feet divided by the area of the lot which is 30,890 square feet. The outcome is approximately .34 which is less than the maximum of 2.7 that is permitted in the I2 District.

Minimum Lot Area: Not applicable for this development.

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 is 2 stories or 19.5 feet tall.

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 #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed site plan review application as well.

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

The 38th Street Station Area Plan is an adopted plan that is discussed in detail in finding #1 in the rezoning 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.
- 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:

Department of Community Planning and Economic Development – Planning Division
BZZ-5216

- 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 30,890 square feet. The footprint of the building is 9,013 square feet. When you subtract the footprint from the lot size the resulting number is 14,534 square feet.; 20% of this number is 2,907 square feet. According to the applicant’s landscaping plan there is 2,658 square feet of landscaping on the site or approximately 18% percent of the site not occupied by the building. Alternative compliance would be necessary. Based on the industrial nature of the existing site, should the rezoning be approved and consequently the use approved, Planning Staff would recommend that the Planning Commission grant alternative compliance. The applicant has expanded the landscaped area along Snelling Avenue which is the most appropriate location on the premises given the nature of the site.
- 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 6 trees and 29 shrubs. The applicant is proposing to plant 6 coniferous trees in lieu of the required canopy trees and shrubs along Snelling Avenue. Alternative compliance would be necessary. Planning Staff would recommend that should the Planning Commission approve the associated applications that the project be required to meet the minimum quantities of deciduous trees and shrubs as well as include sod within the newly landscaped areas adjacent to the public sidewalk along Snelling Avenue.
- Landscaping and screening along Snelling Avenue: A seven-foot wide landscaped yard is required between the parking area and Snelling Avenue along the east property line. The applicant is providing a 9.7 foot wide yard in this location; however, it is not landscaped and screened in accordance with the Zoning Code which requires alternative compliance. Planning Staff will recommend that the Planning Commission require that the final plan be modified to meet all landscaping and screening standards as outlined in Section 530.170 of the Zoning Code should the applications be approved.
- 7-foot landscaped yard & landscaping and screening along Dight Avenue: A seven-foot wide landscaped yard is also required between the parking area and Dight Avenue along the west property line as well. Currently, this is not shown on the submitted plans. The area is also not landscaped and screened in accordance with the Zoning Code. Alternative compliance is required. Planning Staff will recommend that the Planning Commission require that the final plan be modified to meet all landscaping and screening standards as outlined in Section 530.170 of the Zoning Code should the land use applications be approved.
- 25-foot linear tree requirement: The surface parking lot does however require alternative compliance as the plan currently does not meet the 25 foot linear tree requirement along Snelling Avenue. A total of 2 canopy trees would be necessary to meet the requirement. Planning Staff will recommend that the Planning Commission require compliance and have the plan modified accordingly should the land use applications be approved.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the rezoning petition to

Department of Community Planning and Economic Development – Planning Division
BZZ-5216

remove the PO (Pedestrian Oriented) Overlay District from the properties located at 3516 & 3534 Snelling Avenue for a towing service.

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 **deny** the conditional use permit application to allow a towing service on the properties located at 3516 & 3534 Snelling Avenue.

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 **deny** the variance application to reduce the off-street parking requirement from 16 spaces to 4 spaces for the properties located at 3516 & 3534 Snelling Avenue.

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 **deny** the site plan review application for a towing service on the properties located at 3516 & 3534 Snelling Avenue.

Attachments:

1. Rezoning Matrix & Info
2. Statement of proposed use and description of the project
3. Conditional use permit and variance findings
4. Correspondence
5. Zoning Map
6. Site plan/ landscaping plan, survey
7. Photographs of the site
8. PDR notes
9. Neighborhood letters received