

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits and Site Plan Review
BZZ-4727

Date: March 29, 2010

Applicant: Ducati Minneapolis

Address of Property: 2800 Lyndale Avenue South and 2813 Aldrich Avenue South

Project Name: Ducati Minneapolis

Contact Person and Phone: Merrill Ferguson with Ducati Minneapolis, (612) 746-5116

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 2, 2010

End of 60-Day Decision Period: May 1, 2010

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

Ward: 10 **Neighborhood Organization:** Lowry Hill East and Whittier

Existing Zoning: C4, General Commercial District (2800 Lyndale Avenue South) and R6, Multiple-family District with the TP Transitional Parking Overlay District (2813 Aldrich Avenue South)

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 24

Legal Description: Not applicable for this development

Proposed Use: Motorcycle sales and repair

Concurrent Review:

Conditional use permit: for automobile (motorcycle) sales.

Conditional use permit: for automobile (motorcycle) repair.

Site plan review.

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

Background: The property owner, Al Hagen, has operated Hagen's Auto Body out of the subject building since 1973. In 1983, the property owner opened Yesterday's Autos, a collector car sales and appraisal business in the same building. The automobile repair business is still in operation but the

collector car sales and appraisal business closed in July of 2008. Today the applicant is proposing to open a motorcycle sales and repair business in a portion of the building. Ducati Minneapolis will be leasing the north portion of the building for their use whereas the south portion of the building is occupied by the automobile repair business. The second floor of the building above where Ducati Minneapolis is proposed to be located is occupied by an office tenant.

In addition to the building located along Lyndale Avenue South there is a property located along Aldrich Avenue South that is used for off-street parking for the building. In March of 2009 the property owner applied for a building permit to remodel the building. As part of the building permit application the parking lot along Aldrich Avenue South was brought through the Preliminary Development Review process with Public Works. The building permit and the site plan for the parking lot were approved. Since the approvals were granted the building has been remodeled but the site plan for the parking lot has not been implemented. As part of these land use applications it will be required that the previously approved site plan be implemented with minor modifications.

As part of the Midtown Greenway Rezoning study the portion of the property located along Lyndale Avenue South is proposed to be rezoned to the C3A zoning district which does not allow automobile related uses with the PO Pedestrian Oriented Overlay District which prohibits automobile related uses. Under the current schedule, the land use applications for this project would be finalized shortly before the completion of the rezoning study. In addition, as part of the Midtown Greenway Rezoning study the portion of the property located along Aldrich Avenue South is proposed to be rezoned to the R5 zoning district with the PO Pedestrian Oriented Overlay District and the TP Transitional Parking Overlay District.

CONDITIONAL USE PERMIT - for automobile (motorcycle) sales

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that an automobile (motorcycle) sales use will be detrimental to or endanger the public health, safety, comfort or general welfare. For over 25 years this building has been used as a collector car sales and appraisal business. Using the building for a motorcycle sales business will be similar to the previous use.

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

The Planning Division does not believe that an automobile (motorcycle) sales use will be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly

development and improvement of surrounding property for uses permitted in the district. The sales area for the business will be located entirely within the building.

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

The building exists as do the necessary utilities, access roads and drainage.

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

The minimum parking requirement for an automobile sales use is one 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 two spaces per service bay, if any. The applicant has indicated that there is upwards of 2,200 square feet of sales area within the space. The minimum parking requirement for the motorcycle sales portion of the use is four parking spaces.

The total parking requirement for this use is 16 parking spaces. The applicant has indicated that as part of their lease they will have access to four parking spaces in the parking lot located along Aldrich Avenue South. Because the former use of the property was an automobile sales and repair business there are grandfathered parking rights for this use since the proposed use is the same.

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

The site is located on the southwest corner of Lyndale Avenue South and West 28th Street. The site is located two blocks north of West Lake Street. Both Lyndale Avenue South and West Lake Street are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. In addition, the site is located in a designated Activity Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic (Land Use Policy 1.10).
- Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial- where compatible with the existing and desired character (Implementation Step for Land Use Policy 1.10).
- 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 (Land Use Policy 1.12).
- Encourage a variety of commercial and residential uses that generate activity all day long and into the evening (Implementation Step for Land Use Policy 1.12).
- Encourage active uses on the ground floor of buildings in Activity Centers (Implementation Step for Land Use Policy 1.12).

- Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive through facilities (Implementation Step for Land Use Policy 1.12).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Although the use of the building will be automobile related the usual negative aspects of an automobile related use will not be present here as the entire operation of the use will be located entirely within the building.

The *Lyn-Lake Small Area Plan* was approved by the Minneapolis City Council in June of 2009. The development site is located in what is designated as the Activity Center area and the future recommended land use is commercial with a preference for mixed-use development that includes residential and commercial uses. The small area plans adopts the policies related to Activity Centers from *The Minneapolis Plan for Sustainable Growth*. So again, although the use of the building will be automobile related the usual negative aspects of an automobile related use will not be present here as the entire operation of the use will be located entirely within the building.

As noted in the background section as part of the Midtown Greenway Rezoning study the portion of the property located along Lyndale Avenue South is proposed to be rezoned to the C3A zoning district which does not allow automobile related uses with the PO Pedestrian Oriented Overlay District which prohibits automobile related uses. Under the current schedule, the land use applications for this project would be finalized shortly before the completion of the rezoning study.

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

With the approval of the conditional use permits and site plan review this development will meet the applicable regulations of the C4 zoning district.

CONDITIONAL USE PERMIT - for automobile (motorcycle) repair

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The Planning Division does not believe that an automobile (motorcycle) repair use will be detrimental to or endanger the public health, safety, comfort or general welfare. For over 35 years this building has been used as an automobile repair business. Using the building for a motorcycle repair business will be similar to the existing use of the building.

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

The Planning Division does not believe that an automobile (motorcycle) sales use will be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The repair area for the business will be located entirely within the building.

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

The building exists as do the necessary utilities, access roads and drainage.

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

The minimum parking requirement for an automobile repair use is one space per 500 square feet of gross floor area excluding service bays plus two spaces per service bay. The applicant has indicated that there is upwards of 2,600 square feet of repair area within the space. Within this area there are four service bays that area each 120 square feet in size. The minimum parking requirement for the motorcycle repair portion of the use is 12 parking spaces.

The total parking requirement for this use is 16 parking spaces. The applicant has indicated that as part of their lease they will have access to four parking spaces in the parking lot located along Aldrich Avenue South. Because the former use of the property was an automobile sales and repair business there are grandfathered parking rights for this use since the proposed use is the same.

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

The site is located on the southwest corner of Lyndale Avenue South and West 28th Street. The site is located two blocks north of West Lake Street. Both Lyndale Avenue South and West Lake Street are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. In addition, the site is located in a designated Activity Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed Use. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic (Land Use Policy 1.10).
- Support a mix of uses – such as retails sales, office, institutional, high-density residential and clean low-impact light industrial- where compatible with the existing and desired character (Implementation Step for Land Use Policy 1.10).
- Support Activity Centers by preserving the mix and intensity of land uses and by enhancing the design features that give each centers its unique urban character (Land Use Policy 1.12).

- Encourage a variety of commercial and residential uses that generate activity all day long and into the evening (Implementation Step for Land Use Policy 1.12).
- Encourage active uses on the ground floor of buildings in Activity Centers (Implementation Step for Land Use Policy 1.12).
- Discourage uses that diminish the transit and pedestrian character of Activity Centers, such as automobile services, surface parking lots, and drive through facilities (Implementation Step for Land Use Policy 1.12).

The Planning Division believes that the proposed development is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*. Although the use of the building will be automobile related the usual negative aspects of an automobile related use will not be present here as the entire operation of the use will be located entirely within the building.

The *Lyn-Lake Small Area Plan* was approved by the Minneapolis City Council in June of 2009. The development site is located in what is designated as the Activity Center area and the future recommended land use is commercial with a preference for mixed-use development that includes residential and commercial uses. The small area plans adopts the policies related to Activity Centers from *The Minneapolis Plan for Sustainable Growth*. So again, although the use of the building will be automobile related the usual negative aspects of an automobile related use will not be present here as the entire operation of the use will be located entirely within the building.

As noted in the background section as part of the Midtown Greenway Rezoning study the portion of the property located along Lyndale Avenue South is proposed to be rezoned to the C3A zoning district which does not allow automobile related uses with the PO Pedestrian Oriented Overlay District which prohibits automobile related uses. Under the current schedule, the land use applications for this project would be finalized shortly before the completion of the rezoning study.

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

With the approval of the conditional use permits and site plan review this development will meet the applicable regulations of the C4 zoning district.

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.
- 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.

- 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.
- Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. 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.

PLANNING DEPARTMENT RESPONSE:

- The building is existing and no changes are proposed. It should be noted that changes cannot be made to the building that would reduce the amount of window openings and the ground floor of the building must adhere to the active functions requirement of the zoning code.

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.**

PLANNING DEPARTMENT RESPONSE:

- The building is existing and no changes are proposed.
- No transit shelters are proposed as part of this development.
- There is one curb cut along Aldrich Avenue South that provides access to the parking lot. There will be a total of 26 parking spaces provided in the parking lot located along Aldrich Avenue South once the improvements have been completed. Runoff on the site will drain towards the landscape areas that are being proposed around the perimeter of the parking lot area.
- There are no public alleys adjacent to the site.
- The maximum impervious surface requirement in the R6 zoning district is 85 percent. The size of the parcel that is located in the R6 zoning district is 11,065 square feet in size. According to the landscaping plan there is approximately 3,106 square feet of landscaping proposed on the site or 71 percent of the site will be impervious.

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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the entire site is 33,188 square feet. The footprint of the building is 19,330 square feet. When you subtract the footprint from the lot size the resulting number is 13,858 square feet. Twenty percent of this number is 2,772 square feet. According to the landscaping plan there is approximately 3,106 square feet of landscaping on the site or approximately 22 percent of the site not occupied by the building.
- 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 be planted on the site. The tree and shrub requirement for this site is six and 28 respectively. According to the landscaping plan there will be six canopy trees and 18 shrubs located on the site. The Planning Division is recommending that at least 28 shrubs be provided on the site.
- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. According to the landscaping plan the landscaped yard along the public street and sidewalk, where adjacent to the parking lot, will range between seven and 15 feet in width.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. According to the landscaping plan there will be a hedge row of Globe Arborvitae planted along the public street and sidewalk. This plant material will grow to between three and five feet in height which meets the screening requirement.
- The zoning code requires that a seven-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district. Both the north and south property lines abut other properties located in a residence district. According to the landscaping plan the landscaped yard that will be provided along the north property line is 15 feet in width and the landscaped yard provided along the south property line is seven feet in width.
- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district. According to the landscaping plan there will be a six-foot high chain link fence with green mesh attached to it installed along both the north and south property lines. Chain link fencing with green mesh is not a permitted screening material. The Planning Division is recommending that either a solid six-foot high wood fence or a combination of a decorative six-foot high metal fence with landscaping installed along the north and south property lines for screening purposes.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. The parking lot is 88 feet in width. This width requires that four canopy trees be planted along Aldrich Avenue South. According to the landscaping plan there will be three canopy trees planted along Aldrich Avenue South. Along the south side of the driveway there is room for an additional canopy tree. The Planning Division is recommending that an additional canopy tree be planted in the landscaped yard on the south side of the driveway so there are a total of four canopy trees located along the public street and sidewalk.

- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This requirement is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. There are no tree islands in the parking lot.

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.**

PLANNING DEPARTMENT RESPONSE:

- The surface parking area will be defined with continuous ribbon curbing which will allow runoff to drain towards the landscape areas that are being proposed around the perimeter of the parking lot area.
- The building is existing and no changes are proposed.
- The site plan complies with crime prevention design elements as the building entrances are located at the property line, there are windows where people can see in and out along both levels of the building and there are lights located near all of the 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:

- **Use:** Automobile sales and repair uses require a conditional use permit in the C4 zoning district.
- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for an automobile sales use is one 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 two spaces per service bay, if any. The applicant has indicated that there is upwards of 2,200 square feet of sales area within the space. The minimum parking requirement for the motorcycle sales portion of the use is four parking spaces.

The minimum parking requirement for an automobile repair use is one space per 500 square feet of gross floor area excluding service bays plus two spaces per service bay. The applicant has indicated that there is upwards of 2,600 square feet of repair area within the space. Within this area there are four service bays that area each 120 square feet in size. The minimum parking requirement for the motorcycle repair portion of the use is 12 parking spaces.

The total parking requirement for this use is 16 parking spaces. The applicant has indicated that as part of their lease they will have access to four parking spaces in the parking lot located along Aldrich Avenue South. Because the former use of the property was an automobile sales and repair business there are grandfathered parking rights fort his use since the proposed use is the same.

Maximum automobile parking requirement: The maximum parking requirement for an automobile sales use is one space per 300 square feet of gross floor area plus one space per 1,000 square feet of outdoor sales area plus two spaces per service bay, if any. The applicant has indicated that there is upwards of 2,200 square feet of sales area within the space. The maximum parking requirement for the motorcycle sales portion of the use is seven parking spaces.

The maximum parking requirement for an automobile repair use is one space per 200 square feet of gross floor area plus two spaces per service bay. The applicant has indicated that there is upwards of 2,600 square feet of repair area within the space and four service bays. The maximum parking requirement for the motorcycle repair portion of the use is 21 parking spaces.

The total parking requirement for this use is 28 parking spaces. The applicant has indicated that as part of their lease they will have access to four parking spaces in the parking lot located along Aldrich Avenue South. Because the former use of the property was an automobile sales and repair business there are grandfathered parking rights fort his use since the proposed use is the same.

Bicycle Parking: There is no bicycle parking requirement for either automobiles sales or repair uses.

Loading: There is no loading requirement for an automobile sales or repair use that is smaller than 10,000 square feet. However, for uses that do not meet the minimum size requirement for loading requirement purposes they shall provide an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot. There is a shipping and receiving area located towards the back of the building.

- **Maximum Floor Area:** No changes are proposed to the size of the building.

- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** No changes are proposed to the location of the building. The setback requirements for the parking lot are 15 feet along Aldrich Avenue South and seven feet on the north and south interior side yards. These setbacks are going to be met except the setback along Aldrich Avenue South on the south side of the driveway will only be seven feet. Since this parking is grandfathered the location of it is too except that required landscaping must be provided.
- **Specific Development Standards:** Automobile sales and automobile repair uses are subject to specific development standards:

Automobile sales.

- 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.
- The rental of passenger automobiles shall be prohibited, except as an accessory use.

Automobile repair, major.

- All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
 - Except in the I3 District, all repairs shall be performed within a completely enclosed building.
 - All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
 - The sale of vehicles shall be prohibited.
 - In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
 - 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.
 - 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.
 - Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.
- **Hours of Operation:** The hours of operation for the C4 District are Sunday through Thursday, 6 am to 10 pm, and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the use will be open from 10 am until 7 pm, seven days a week

- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C4 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is not proposing any signage at this time.
- **Refuse storage:** The refuse and recycling containers are currently located along the rear wall of the building. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 Planning Division is recommending that the refuse and recycling containers be enclosed per these standards.
- **Lighting:** Lighting exists at the site.

MINNEAPOLIS PLAN:

The site is located on the southwest corner of Lyndale Avenue South and West 28th Street. The site is located two blocks north of West Lake Street. Both Lyndale Avenue South and West Lake Street are designated Commercial Corridors in *The Minneapolis Plan for Sustainable Growth*. In addition, the site is located in a designated Activity Center. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates this site as Mixed Use. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic (Land Use Policy 1.10).
- 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 (Land Use Policy 1.12).
- Encourage a variety of commercial and residential uses that generate activity all day long and into the evening (Implementation Step for Land Use Policy 1.12).
- Encourage active uses on the ground floor of buildings in Activity Centers (Implementation Step for Land Use Policy 1.12).
- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).
- Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses (Implementation Step for Urban Design Policy 10.18).

While the specific use may not be consistent with the comprehensive plan or small area plan, the Planning Division believes that the site improvements that will accompany the proposed development are in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth*.

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.

PLANNING DEPARTMENT RESPONSE:

- Alternative compliance is not warranted for this development.

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 for automobile (motorcycle) sales located at 2800 Lyndale Avenue South 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.

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

Department of Community Planning and Economic Development – Planning Division
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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 for automobile (motorcycle) repair located at 2800 Lyndale Avenue South 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

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for the property located at 2800 Lyndale Avenue South and 2813 Aldrich Avenue South subject to the following conditions:

1. Changes cannot be made to the building that would reduce the amount of window openings.
2. The ground floor of the building must adhere to the active functions requirement of the zoning code.
3. There shall be at least 28 shrubs provided on the site as required by section 530.160 of the zoning code.
4. There shall be either a solid six-foot high wood fence or a combination of a decorative six-foot high metal fence with landscaping installed along the north and south property lines for screening purposes as required by section 530.170 of the zoning code.
5. An additional canopy tree shall be planted in the landscaped yard along Aldrich Avenue South on the south side of the driveway so there are a total of four canopy trees located along the public street and sidewalk.
6. The refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two 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 as required by section 535.80 of the zoning code.
7. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
8. All site improvements shall be completed by March 29, 2011, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of the project
2. Conditional use permit findings
3. March 1, 2010, letter to Council Member Tuthill
4. March 1, 2010, letter to the Lowry Hill East Neighborhood Association
5. Zoning Map
6. Survey and site drawings
8. Photographs of the site