

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

Conditional Use Permits, Variance, Site Plan Review
BZZ-3828

Date: November 13, 2007

Applicant: Rapid Recovery, Inc., Attn: Jared Gruett, 14 East Acker Street, St. Paul, MN 55117, (651)665-0022

Addresses of Property: 4350 and 4360 Lyndale Avenue North (4358 Lyndale Avenue North)

Project Name: Rapid Recovery, Inc.

Contact Person and Phone: Rapid Recovery, Inc., Attn: Jared Gruett, 14 East Acker Street, St. Paul, MN 55117, (651)665-0022

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

Date Application Deemed Complete: October 16, 2007

End of 60-Day Decision Period: December 14, 2007

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

Ward: 4 Neighborhood Organization: Camden Industrial (adjacent to Lind-Bohanon Neighborhood Assn.)

Existing Zoning: I2 (Medium Industrial) District, SH (Shoreland Overlay) District, MR (Mississippi River Critical Area Overlay) District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 4

Lot area: 43,540 square feet or .99 acres

Legal Description: Not applicable for this application.

Proposed Use: Locate a 24-hour towing service onto an existing industrial site.

Concurrent Review:

- Conditional Use Permit to allow a towing service.
- Conditional Use Permit to allow 24-hour operation at the proposed facility.
- Variance of the off-street parking requirement for the towing service.

- Site plan review for a towing service which is a Transportation Use in the I2 (Medium Industrial) District.

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

Background: The applicant proposes to locate a towing service on the property located at 4360 Lyndale Avenue North (4358 Lyndale Avenue North). The property is zoned I2 which allows towing services as a conditional use. The applicant is also applying for a conditional use permit to allow 24-hour operation. A variance of the off-street parking requirement for the towing service is also necessary, as is site plan review as the proposed use is a transportation use which always triggers the need for site plan review.

The site consists of two buildings on one zoning lot. The building proposed to be occupied by the towing service is the larger of the two structures on the north side of the lot addressed as 4360 Lyndale Avenue North. The smaller structure located on the south side of the lot addressed as 4350 Lyndale Avenue North is currently vacant. The applicant has stated that it is likely they will pursue some sort of office tenant to fill the space.

The property is located within the parameters of the Camden Industrial area and adjacent to the Lind-Bohanon Neighborhood Association. Staff has not received any official correspondence from the neighborhood group or any neighborhood letters on the applications prior to the printing of this report.

CONDITIONAL USE PERMIT –to allow a towing service.

Required Findings for the Conditional Use Permit:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The proposed towing service would not be expected to be detrimental to or endanger the public health, safety, comfort or general welfare. The site is located in a predominately industrial area and is bounded by industrial uses on the north, south and west sides of the property. Interstate 94 is adjacent to the site on the east side of the property. Planning Staff would expect that if the use is managed properly, the proposed use should not be detrimental to the area.

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

Planning Staff would not expect that the proposed use of the site as a towing service to be injurious to the use and enjoyment of other property in the vicinity

and it would not be expected to impede the normal or orderly development and improvement of surrounding properties. The site has historically been utilized as an industrial site. The adjacent uses are all industrial and the surrounding area is fully developed. The use could potentially generate off-site impacts related to traffic and emissions; and outdoor storage of vehicles could have an impact on the area in terms of visual blight. However, these types of impacts reflect the reasons for limiting towing services to industrial districts. To the extent feasible, these impacts will be mitigated through landscaping and screening as required by site plan review, and the provision of adequate customer parking. If properly managed and with compliance with the above noted land use controls, the proposed towing service should have few negative impacts on the area beyond those already present.

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

Adequate utilities and access roads are existing. The applicant would be required to 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 should the applications be approved. This would be required to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

There is currently off-street parking for 18 vehicles on the north side of the site for the proposed towing service and 4 parking spaces for the potential future office on the south side of the site. The 4 parking spaces on the south side of the site encroach onto the adjacent property to the south a maximum distance of 5.12 feet. Either an easement will need to be attained for those spaces, or the parking spaces moved to be entirely on the subject property. Should one of these two options occur and the building be filled by an office tenant, the use would meet the minimum parking requirements; if, however, the site is occupied by a more intensive use such as a restaurant or coffee shop, a future parking variance may be necessary. There is a large unpaved area at the rear of the site, where the applicant proposes to locate the impound lot. This area will be required to be paved. Based on the need demonstrated by the applicant, the proposed 18 parking spaces for the towing service would appear to be adequate; however a variance of the off street parking requirement is necessary as Chapter 541 of the Zoning Code requires a total of 34 off-street parking spaces for the proposed use. The applicant currently operates a towing service in St. Paul. According to the applicant's statement, typically 5-7 spaces will be needed at any given time for employees, and on the busiest days typically no more than 4-5 customers are on the premises retrieving a vehicle at the same time. Planning Staff believes that adequate measures have been taken to minimize traffic congestion in the public streets as

the site will have a large parking area for the storage of vehicles and for customer and employee parking.

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

According to the *Minneapolis Plan*, the site is designated as a general industrial use. The plan does not indicate any specific direction for the area. Towing services are only allowed in the I2 and I3 Industrial Districts.

The Minneapolis Plan states that “The history of the city's development has found residential and industrial uses in close proximity to each other. Many industries generate off-site odor, dust, noise and vibration. A large number of these industries also generate significant off-site truck traffic, which can be particularly troubling to existing neighborhoods. The location of non-office uses, such as light industry or manufacturing activity, demands a different kind of consideration about where these uses should be located and how they should operate, based primarily on the impact these kinds of activities have on neighboring uses. Managing these impacts is the key to future livability in Minneapolis' neighborhoods...With appropriate attention to the form and design of these industrial activity areas, businesses can operate competitively and successfully in the larger regional economy, create minimal impacts for their neighbors, and contribute to the economic health of individual residents and neighborhoods.”

The location of the towing service in an industrial area and the associated site plan improvements are in conformance with these goals of the comprehensive plan. Further, the following policies in the *Minneapolis Plan* are applicable for the proposed development:

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

Policy 4.4: Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

The site is not located in a designated industrial employment area according to the City's Industrial Land Use and Employment Policy Plan, which was adopted on November 3, 2006.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

With the approval of the conditional use permits, variance, and site plan review, this development would be in conformance with the applicable regulations of the zoning code.

CONDITIONAL USE PERMIT – for extended hours

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Planning Staff would not expect that granting a conditional use permit to allow 24-hour operation of a towing service within an industrial area would not be expected to be detrimental to or endanger the public health, safety, comfort or general welfare. There are no residential uses within close proximity to the subject site. As previously mentioned the site is located in a predominately industrial area and is bounded by industrial uses on the north, south and west sides of the property. Interstate 94 is adjacent to the site on the east side of the property. A towing service with 24-hour operation would not be expected to have negative impacts on the surrounding area.

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

Staff would not expect that a towing service with 24-hour operation would be injurious to the use and enjoyment of other property in the vicinity and would not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The proposed use of the site and proposed hours of operation are compatible with the adjacent land uses and zoning classifications. The applicant does not expect significant traffic during later hours.

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

Extended hours of operation would not create a need for additional access roads or other facilities.

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

The site will have a large parking area for the storage of vehicles and for customer and employee parking.

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

The Minneapolis Plan has the following relevant policy and implementation step:

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

Implementation Step: Allow for a limited amount of heavy industrial users where appropriate, but minimize negative impacts on their surroundings.

By applying I2 zoning to the area, the city has established that medium intensity industrial uses are appropriate for the area. It is the Planning Staff's opinion that extending the hours of operation should not create additional significant off-site impacts.

6. And, does 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, variance, and site plan review, this development would be in conformance with the applicable regulations of the zoning code.

Additional Findings Required for Extension of Hours Open To the Public:

(1) Proximity to permitted or conditional residential uses.

There are no permitted or conditional residential uses in close proximity to the subject site. The closest residentially zoned properties are located a few blocks away (approximately 500 feet or more) across Lyndale Avenue North to the west and across Interstate 94 to the east.

(2) Nature of the business and its impacts of noise, light and traffic.

Traffic impacts of the towing service would not be expected to be significant. The applicant suggests that much of the traffic would take place during normal business hours.

(3) Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The use is conditional in the I2 District. Assuming compliance with the Planning Commission's actions and any conditions of approval on the related applications, the project would be in conformance with the applicable zoning regulations.

(4) History of complaints related to the use.

Planning Staff has consulted with the City's CPTED officer regarding the proposed extension of operational hours. Staff was in agreement that allowing the extension of hours for a towing service was appropriate based on the location of the development.

VARIANCE – (1) Variance of the off-street parking requirement for the towing service.

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

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

Variance of the off-street parking requirement: The property could be put to a reasonable use under the conditions allowed, however, strict adherence to the regulations of the zoning code would cause undue hardship as the size of the impound lot would need to be reduced, and the additional parking created would be beyond what is needed on site according to the applicant. The proposed use of the site for a towing service requires a total of 34 off-street parking spaces. Therefore, the applicant is requesting a variance of the off-street parking requirement from 34 parking spaces to 18 parking spaces. According to the applicant's statement, typically 5-7 spaces will be needed at any given time for employees, and on the busiest days typically no more than 4-5 customers are on the premises retrieving a vehicle at the same time. According to the information provided, the 18 off-street parking spaces would appear adequate for the proposed towing service.

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

Variance of the off-street parking requirement: The circumstances could be considered unique to the parcel of land as the applicant is attempting to minimize the amount of unnecessary parking on the site. While the site could fully accommodate the required amount of parking by decreasing the overall size of the impound lot, Staff believes that relaxing the off-street parking requirement due to the demonstrated need illustrated by the applicant from 34 to 18 spaces is a reasonable request.

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

Variance of the off-street parking requirement: Granting the variance to allow a reduction in the on-site parking requirement would likely be in keeping with the spirit and the intent of the ordinance. Further, granting the variance for the proposed development would likely not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. It is Staff's position that an adequate amount of parking is being provided on site based on information from the applicant. Based on the functionality of the proposed use and the expectation that only a small number of users would be present at any given time, Staff believes that granting a parking variance would indeed be meeting the intent of the ordinance.

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

Variance of the off-street parking requirement: Staff believes that the granting of the on-site parking variance would likely have little additional impact on the congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety. The applicant has demonstrated that the proposed use does not generate the need for as much parking as is required by Chapter 541 of the Zoning Code.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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 and windows:**
- **Residential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - c. **The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.**
 - d. **First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.**
 - e. **First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.**
 - f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

Minimum window area shall be measured as indicated in section 531.20 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**

- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The buildings on site are existing with no proposed modifications and are located approximately 5 feet from the property line along Lyndale Avenue North. Sidewalks linking the principal entrances of those buildings to the public sidewalk exist between the building and the front lot line. The existing entrances are oriented towards the public street and the existing placement of the structures maximizes natural surveillance.

The building are existing but do appear to meet the 30% window requirement for non-residential uses facing a public street. Those requirements do not appear to be met for those elevations of the buildings facing the on-site parking lots. Alternative compliance would not be necessary as the structures are existing.

For the most part the existing windows appear to be distributed in a more or less even manner. There are blank, uninterrupted wall greater than 25 feet in width that do not include windows, entries, recesses or projections, or other architectural elements on several of the elevations however the buildings are existing, therefore alternative compliance would not be necessary.

The exterior materials would be compatible on all sides of the buildings. The exterior of the buildings are composed predominantly of stucco and metal siding with metal elements and are painted in a uniform color.

The building form and the pitch of the roof line are existing and compatible with the buildings in the area. The roof lines are varied as the structures nearest to the street are flat and a portion of the structures at the rear of the site have a pitched roof line.

All of the surface parking on site is existing. Planning Staff will require slight modifications to the subject site including the addition of some landscaping as well as paving the impound lot located on the east side of the site.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The principal entrances to the structures would be located in the same place and would be unaltered as a result of the proposal. Due to the configuration of the existing structure on the subject site, the principal entries are linked directly to the public sidewalk. There are numerous other points of ingress/egress to the buildings that are existing.

The site is not immediately adjacent to a transit stop however it is in relative close proximity to a bus line.

There are no adjacent residential uses.

The surrounding property is predominantly a mix of industrial and commercial type uses. The proposed use of the site as towing service would not be expected to have significant impacts on any of the adjacent uses.

There are no public alleys adjacent to the site.

Overall the site has been somewhat designed to minimize the use of impervious surfaces as there is a large unpaved area on the east side of the site adjacent to Interstate 94. The applicant will be required to pave this area in order to store vehicles on the premises as an impound lot. There is some existing landscaping adjacent to the parking areas on the north side of the site. Planning Staff will recommend that the Planning Commission require that a minimum 7 foot landscape buffer be provided adjacent to Lyndale Avenue North and that the fencing/gate be moved back to the start of the impound lot. Additionally, Planning Staff will recommend that the Planning Commission require that some landscaping preferably in the form of evergreens be provided adjacent to Interstate 94 to buffer the impound lot from view from the highway.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.**
- **The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.**

- **In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.**
- **All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.**
- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.**

The proposal does not meet the 20% landscape requirement. Alternative compliance would be necessary. The total site area is 43,540 square feet or .99 acres and the existing building footprints on the site are 12,190 square feet. A total of 6,270 square feet of landscaping would be necessary to meet the 20% requirement. In its current configuration there is approximately 250 square feet of landscaping or approximately less than 1% of the site not occupied by buildings. Planning Staff believes that it is indeed reasonable to allow alternative compliance as it is not practical to require that 20% of the site be landscaped based on the use of the site and existing conditions. However, Planning Staff believes that there are opportunities to provide additional landscaping in the parking lot on the north side of the site specifically adjacent to Lyndale Avenue North. Planning Staff will recommend that the existing fence/gate that currently encloses the northern parking lot be moved to the start of the impound lot. This frees up space to provide the required 7 foot landscape buffer adjacent to Lyndale Avenue North by expanding the existing planters. This area should be planted with shrubs and trees. Lastly, Planning Staff will recommend that a 5-foot wide landscape buffer be provided along the entire east property line adjacent to Interstate 94 to buffer the impound lot from the freeway. Planning Staff would recommend that the landscaping in this area be composed predominantly of evergreens. A minimum of 5% of the site not occupied by buildings shall be landscaped on the subject site. The zoning code requires that there be at least 13 trees and 63 shrubs. The applicant is not proposing any specific plantings. The proposal is not meeting the minimum landscape quantity requirements. Alternative compliance would be necessary. Planning Staff believes that there are locations on site that would be appropriate for additional landscaping as noted above. Planning Staff believes that it wouldn't be practical to recommend full compliance with the required quantities, however, Planning Staff will recommend that at least 10 trees and 30 shrubs be planted on the subject site.

The 4 parking spaces located on the south side of the site currently encroach onto the property to the south. Either an easement will need to be attained for those spaces, or the parking spaces moved to be entirely on the subject property. Based on a staff's calculations, there would be ample space to move the spaces fully onto the property without losing any of the 4 parking spaces.

There are no true yards required for the proposed development, however, a 7-foot wide landscaped yard and screening is required between the northern parking areas and Lyndale Avenue North. The proposed plan is not in conformance with those

requirements. Alternative compliance would be necessary. Planning Staff believes that by relocating the fence to the start of the impound lot, both of these requirements can be practically met. Additionally, 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. The plan currently does not meet this requirement. Planning Staff believes that based on the fact that the parking lot is existing, and the fact that there are no opportunities to make the plan fully in conformance with this standard that alternative compliance should be granted in lieu of providing a decorative wrought iron fence adjacent to the northern parking area along Lyndale Avenue North. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction. There are no tree islands located 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.**

All parking is existing and is being provided in surface parking lots which are accessed off of Lyndale Avenue North. The water drainage will be designed so as not to drain onto any adjacent lots. As currently configured, there is concrete curbing throughout the site with the exception being at the rear of the site which is currently unpaved. Planning Staff would recommend that if feasible the applicant should consider on-site retention as applicable.

The building is existing. Staff would not expect that the use of the existing structures would result in the blocking of views, shadowing of public space or adjacent properties. Additionally, Staff would not expect the existing buildings to have significant impacts on light, wind and air in relation to the surrounding area.

The City's CPTED officer had no comments on the proposed plan as the plan met the requirements for Police Safety. Planning Staff would recommend that the applicant

ensure that adequate lighting is provided at the rear of the site within the proposed impound lot. Additionally, Planning Staff felt that with the addition of the wrought iron fence as recommended adjacent to Lyndale Avenue North that its placement would result in benefits to access control.

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 is a conditional use in the I2 District.

With the approval of the conditional use permits, variance and site plan review, this development would meet the requirements of the I2 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires one off-street parking space per 300 square feet of gross floor area in excess of 4,000 square feet plus one space per 4,000 square feet of motor vehicle storage area. This use of the site as a towing service is required to have 27 spaces for the building and 7 for the storage area, for a total of 34 required off street parking spaces. The site currently has 18 off-street parking spaces on the site. The applicant is proposing to vary the parking requirement from 34 to 18 spaces.

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 dumpster is located on the north side of the site adjacent to the building. Planning Staff will recommend that the dumpster be enclosed in compliance with this provision as a condition of approval.

Signs: Any new signage is required to meet the requirements of the code. A separate permit will need to be attained through the Zoning Office should additional signage be requested for the subject site. If the pole sign on the premises is not utilized for the proposed towing service, it shall be required to be removed.

Lighting: All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541. A lighting plan has been attached for reference.

Maximum Floor Area: The maximum F.A.R. for all structures in the Industrial Districts is the gross floor area of the building which would be 12,190 square feet (10,836 for the industrial building and 1,354 square feet for the proposed office) divided by the area of the lot which is 43,540 square feet. The outcome is .28 which is less than the maximum of 2.7 that is permitted in the I2 District.

Minimum Lot Area: Transportation uses in the industrial districts require a minimum lot area of 12,000 square feet and a minimum lot width of 100 feet. The lot in question is 43,256 square feet and is approximately 158 feet wide.

Dwelling Units per Acre: Not applicable for the existing/proposed development.

Height: Maximum building height for principal structures located in the I2 District is 4 stories or 56 feet, whichever is less. The maximum allowable floor height is 14 feet. The existing height of the buildings is approximately 20 feet. The existing structures comply with the height requirements.

Yard Requirements: Not applicable for the existing/proposed development.

Building coverage: Not applicable for the existing/proposed development.

Impervious surface area: Not applicable for the existing/proposed development.

MINNEAPOLIS PLAN

Please see finding number five under the conditional use permit sections of the staff report.

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

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

ALTERNATIVE COMPLIANCE

The Planning Commission may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or**

development objectives adopted by the city council and meets the intent of this chapter.

Alternative compliance is requested by the applicant to meet the following standards:

20% landscape requirement: The proposal does not meet the 20% landscape requirement. Alternative compliance would be necessary. The total site area is 43,540 square feet or .99 acres and the existing building footprints on the site are 12,190 square feet. A total of 6,270 square feet of landscaping would be necessary to meet the 20% requirement. In its current configuration there is approximately 250 square feet of landscaping or approximately less than 1% of the site not occupied by buildings. Planning Staff believes that it is indeed reasonable to allow alternative compliance as it is not practical to require that 20% of the site be landscaped based on the use of the site and existing conditions. However, Planning Staff believes that there are opportunities to provide additional landscaping in the parking lot on the north side of the site specifically adjacent to Lyndale Avenue North. Planning Staff will recommend that the existing fence/gate that currently encloses the northern parking lot be moved to the start of the impound lot. This frees up space to provide the required 7 foot landscape buffer adjacent to Lyndale Avenue North by expanding the existing planters. This area should be planted with shrubs and trees. Lastly, Planning Staff will recommend that a 5-foot wide landscape buffer be provided along the entire east property line adjacent to Interstate 94 to buffer the impound lot from the freeway. Planning Staff would recommend that the landscaping in this area be composed predominantly of evergreens. A minimum of 5% of the site not occupied by buildings shall be landscaped on the subject site.

Landscape quantities: The zoning code requires that there be at least 13 trees and 63 shrubs. The applicant is not proposing any specific plantings. The proposal is not meeting the minimum landscape quantity requirements. Alternative compliance would be necessary. Planning Staff believes that there are locations on site that would be appropriate for additional landscaping as noted above. Planning Staff believes that it wouldn't be practical to recommend full compliance with the required quantities, however, Planning Staff will recommend that at least 10 trees and 30 shrubs be planted on the subject site.

Landscaped yards and screening: There are no true yards required for the proposed development, however, a 7-foot wide landscaped yard and screening is required between the northern parking areas and Lyndale Avenue North. The proposed plan is not in conformance with those requirements. Alternative compliance would be necessary. Planning Staff believes that by relocating the fence to the start of the impound lot, both of these requirements can be practically met.

Parking spaces located within 50 feet of an on-site deciduous tree: Additionally, 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. The plan currently does not meet this requirement; therefore alternative compliance would be necessary. Planning Staff believes that based on the fact that the parking lot is existing, and the fact that there

are no opportunities to make the plan practically comply with this standard that alternative compliance should be granted in lieu of providing a decorative wrought iron fence adjacent to the northern parking area along Lyndale Avenue North.

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 application for a conditional use permit to allow a towing service on the property located at 4360 Lyndale Avenue North (4358 Lyndale Avenue North) subject to the following condition:

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:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow 24-hour operation of a towing service on the property located at 4360 Lyndale Avenue North (4358 Lyndale Avenue North) subject to the following condition:

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 variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance of the off-street parking requirement from 34 to 18

for a towing service on the property located at 4360 Lyndale Avenue North (4358 Lyndale Avenue North).

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 4350 and 4360 Lyndale Avenue North (4358 Lyndale Avenue North) subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation and landscaping plans.
2. All site improvements shall be completed by November 13, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. The impound lot shall be paved in compliance with Section 541.300 of the Zoning Code.
4. The existing fencing and gate that currently encloses the northern parking lot shall be moved to the east to the start of the impound lot.
5. A minimum 7 foot wide landscape buffer shall be provided adjacent to Lyndale Avenue North by expanding the existing planters.
6. Additional quantities of shrubs and trees shall be required. The applicant shall work with Planning Staff on a suitable landscape plan which shall include a minimum of 10 trees and 30 shrubs.
7. A 5-foot wide landscape buffer shall be provided along the entire east property line adjacent to Interstate 94 to buffer the impound lot from the freeway. The landscaping in this area shall be composed predominantly of evergreens.
8. A minimum of 5% of the site not occupied by buildings shall be landscaped on the subject site.
9. A decorative wrought iron fence shall be provided adjacent to the northern parking area along Lyndale Avenue North.
10. Either an easement will need to be attained for those four parking spaces located on the south side of the site which encroach onto the adjacent property, or the parking spaces moved to be entirely on the subject property.

11. The on-site dumpster shall be enclosed per the requirements in Section 535.80 of the Zoning Code.

Attachments:

1. Statement of use / description of the project
2. Findings – variances
3. Correspondence
4. Zoning map
5. Plans – Site plan
6. Photos
7. PDR Report