

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Site Plan Review and Minor Subdivision
BZZ - 5169

Date: June 13, 2011

Applicant: Howard Chanen

Address of Property: 814 and 816 5th Street North

Project Name: Duke's Tow Service

Contact Person and Phone: Howard Chanen, (612) 275-5199

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: May 19, 2011

End of 60-Day Decision Period: July 17, 2011

Ward: 7 Neighborhood Organization: North Loop Neighborhood Association

Existing Zoning: I2 Medium Industrial District; DP Downtown Parking Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Legal Description: Not applicable for this application

Proposed Use: New towing service

Concurrent Review:

- Conditional use permit to allow for a towing service
- Site plan review
- Minor subdivision to allow for a common lot line adjustment between 814 and 816 5th Street North

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits, Chapter 530 Site Plan Review, Chapter 550 Industrial Districts and Chapter 598 Land Subdivision Regulations

Background: The subject properties are addressed as 814 and 816 5th Street North. The applicant is proposing to adjust the existing property line between the parcels to create a larger parcel at 814 5th Street North, which is proposed to be approximately 156.5 ft. by 160 ft. (25,025sq. ft.). The property located at 814 5th Street North is presently vacant. The use of the properties located at 816-906 5th Street North is an existing, nonconforming scrap/salvage yard. With the lot line adjustment, the existing 920

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sq. ft. office building on the newly created parcel and the existing, nonconforming scrap/salvage yard will no longer have any structures.

The applicant is proposing to allow for a new towing service, which is a conditional use in the I2 District. In addition, the zoning code identifies towing services as a transportation use; therefore, the proposed use is subject to site plan review. Finally, in order to meet the minimum lot area and lot width requirements for a transportation use in the I2 District, the applicant needed to increase the size of the parcel located at 814 5th Street North. Based on the underlying platting, a minor subdivision is required to adjust the common lot line between 814 and 816 5th Street North.

The Downtown Rezoning Study has recommended rezoning of this parcel from I2 Medium Industrial District to B4S Downtown Service District. The City Planning Commission will consider this rezoning of the property at the June 13, 2011, public hearing. The B4S District prohibits the use of a towing service. The applicant must demonstrate that the use has vested rights to a towing service before final adoption of any zoning district that would prohibit the use.

The applicant has an existing tow service license in the City of Minneapolis. However, if the applicant is proposing to have hours open to the public on Sunday through Thursday between 1 a.m. and 6 a.m. and on Friday and Saturday between 2 a.m. and 6 a.m., the applicant will have to be approved for a new license for Extended Hours.

Staff has received a letter of support for the proposed project from the North Loop Neighborhood Association. Staff will forward additional comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT: to allow for a towing service

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

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

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

The establishment of a new towing service in the I2 Medium Industrial District will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable licensing, building codes and life safety ordinances. The applicant is proposing to reduce the nonconforming use and property area devoted to an existing scrap/salvage use to accommodate the new tow service.

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

The surrounding area is fully developed. The new tow service located in an existing industrial area should not impede on the normal or orderly development of surrounding property in the

area. The applicant is proposing to make a number of site improvements including new screening, landscaping and surfacing, which will reduce the off-site impacts of the use in the vicinity.

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

The site is well served by existing infrastructure. The existing surfacing of both parcels is a combination of gravel and Class V. The applicant is proposing to resurface the subject property with asphalt to reduce the tracking of gravel and dirt off-site.

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

The subject property is located in the DP Downtown Parking Overlay District. The specific off-street parking requirements, except in the downtown districts, for a tow service is one (1) parking space for each four-thousand square feet of gross floor area in excess of four-thousand square feet. In addition, the minimum four (4) space off-street parking requirement shall not apply. The structure on the subject property is 920 square feet in gross floor area. Therefore, there is no minimum required parking for the proposed use, due to the DP Downtown Parking Overlay District.

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

The subject property's existing land use classification is industrial, the proposed use is generally considered to be a medium industrial use. The property is not located within an Industrial Employment District. The property is designated *Mixed Use* on the future land use map of the comprehensive plan. The mixed use classification allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed use.

a. According to the principles and polices outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

1.14.3 Restrict the development and expansion of nonindustrial uses within designated Industrial Employment Districts, limiting non-industrial uses to the types of uses and locations designated in the Industrial Land Use and Employment Plan.

1.14.5 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

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Staff comment: The surrounding area is developed with a mix of industrial uses and the existing land use is industrial. Staff has concerns that by redeveloping the site to another industrial use will increase the amount of time until the use transitions to mixed use. However, the implementation of the site plan improvements will most likely mitigate potential conflicts with other uses, shall they change in the near future. The proposed use is generally consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

b. Consistency with plans:

This property is located within a study area governed by the Downtown East/North Loop Master Plan (2003) and Update (2010). The subject property is included in the Downtown Rezoning Study that is slated for approval by the City Council in July 2011.

The Plans identify the property within the “Freeway West” area. This is an existing district in the original plan from 2003 and most of the recommendations for land use and development consistently relevant between both plans. The original plan recommended a new residential neighborhood in the western reaches of the 5th Street North corridor, including the subject property. This plan recognizes some opportunities for development on under-utilized sites and offers more flexibility for future uses while recognizing that residential is the likeliest option. Freeway West offers tremendous opportunities for increased housing density and/or improved opportunities for employment that build on direction from the original plan to view 5th Street as a major transit and pedestrian spine throughout Downtown as a whole.

The Downtown Rezoning Study has recommended rezoning of this parcel from I2 Medium Industrial District to B4S Downtown Service District. The City Planning Commission will consider this rezoning of the property at the June 13, 2011, public hearing. The B4S District prohibits the use of a towing service. The applicant must demonstrate that the use has vested rights to a towing service before final adoption of any zoning district that would prohibit the use.

If the use is legally established prior to the zoning amendment, the towing service will become a legal, nonconforming use in the B4S District.

Staff does not believe that the proposed use is consistent with the adopted Downtown East/North Loop Master Plan (2003) or the North Loop Small Area Plan Update (2010).

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

The use of the site for a towing service will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, site plan review and minor subdivision.

Required Findings for Site Plan Review

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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 the 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.

- **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.

Conformance with above requirements:

The building is located up to the front property line along 5th Street North.

There is an existing principal entrance facing 5th Street North with an elevated walkway from the public sidewalk. There is an existing window that is blocked at the front and there does not appear to be any lighting on the front of the building. Staff is recommending that applicant install a new window and provide pedestrian level lighting at the front door to maximize natural surveillance and visibility and to facilitate pedestrian access.

There is no off-street parking area for the proposed use; the vehicle storage area for the tow service will be located to the rear of the site and located behind an opaque fence.

The building exists and there are no proposals to add or construct an addition to the existing building. The existing building shows insufficient architectural detail and amounts of windows to avoid large blank walls, exceeding twenty-five (25) feet in length along the south façade of the building.

The exterior materials of the structure are painted concrete block. The building exists and there are no proposals to add or construct an addition to the existing building.

The principal entrance is clearly defined with signage above the door. There is an existing window that is blocked at the front and there does not appear to be any lighting on the front of the building. Staff believes that the applicant should install a new window and provide pedestrian level lighting at the front door to maximize natural surveillance and visibility and to facilitate pedestrian access.

There are not building additions; therefore applicant is not required to provide a minimum of glazing facing the public street. However, there is an existing window that is blocked at the front of the building. Staff is recommending that the applicant install a new window to maximize natural surveillance and visibility and to facilitate pedestrian access.

The existing roof is a flat. The proposed roof line appears to be visually consistent with other structures in the area

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 530.140 (b).
- Site plans shall minimize the use of impervious surfaces.

Conformance with above requirements:

The applicant has provided walkways connecting the principal entrances to the adjacent public sidewalk.

There are no transit shelters within the proposed development; however, there is a Metro Transit LRT stop two and a half blocks to the southeast on 5th Street North.

There are two existing curb cuts; one access will be for vehicles entering the site and the other for exiting.

The site plan shows a significant decrease in the amount of impervious surface than what currently exists on the site. The existing site is 100% impervious surface and the applicant is now proposing 4,800 sq. ft. of landscaped area, which is approximately 19% of the site.

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 shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- 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.
- 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 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.

- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**

- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**

- **All other areas not governed by sections 530.150, 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 530.220.**

- **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 530.60, as provided in section 530.230.**

The zoning code requires at least 20 percent of the site not occupied by buildings be landscaped. The lot area is 25,025 sq. ft. and the building footprint is 920 sq. ft. The lot area minus the building footprints therefore consists of approximately 24,105 sq. ft. At least 20 percent of the net site area (4,821 sq. ft.) must be landscaped and the applicant is providing 4,821 sq. ft., which equals 20 percent of the net site area.

The zoning code requires at least one canopy tree for each 500 sq. ft. and at least one shrub for each 100 sq. ft. of required green space. The tree and shrub requirement for this site is 10 and 48 respectively. The applicant has shown 10 deciduous canopy trees on the property and 48 shrubs.

A landscaped yard of at least five feet wide shall be provided along the public street or sidewalk for outdoor storage in the I2 District. The applicant is providing a 5 ft. and 17 ft. landscaped area adjacent to public sidewalk. In addition, the applicant is proposing 3 to 8 ft. landscaped yards around the proposed property lines, adjacent to the motor vehicle storage area.

Screening not less than six feet in height and not less than 95% opaque is required along the public street or sidewalk for outdoor storage in the I2 District. There are existing 8 ft. fences with sheet metal at the front and rear of the property. In addition, there is an existing 6-8 ft. chain link fence along the south property line. The applicant is proposing to install two new metal gates at the curb cuts to control access in and out of the site.

Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

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.**

Conformance with above requirements:

The proposed project does not have additional on-site parking.

There are no proposed changes to the building. The building does not impede any views of important elements of the city.

There are no proposed changes to the building. The building does not significantly shadow the adjacent streets or properties.

Wind currents should not be major concern.

The site design provides natural surveillance and visibility to allow views into the area with the opening of the front window, based on staff recommendation.

The existing structures are neither historic nor eligible for historic designation.

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 site is zoned I2. A towing service is a conditional use in the I2 District.

Parking and Loading:

Minimum automobile parking requirement: The subject property is located in the DP Downtown Parking Overlay District. The specific off-street parking requirements, except in the downtown districts, for a tow service is one (1) parking space for each four-thousand square feet of gross floor area in excess of four-thousand square feet. In

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addition, the minimum four (4) space off-street parking requirement shall not apply. The structure on the subject property is 920 square feet in gross floor area. Therefore, there is no minimum required parking for the proposed use, due to the DP Downtown Parking Overlay District.

Maximum automobile parking requirement: The maximum automobile parking for a museum is 1 off-street per 200 sq. ft. of GFA plus 1 space per 2,000 sq. ft. of motor vehicle storage area. The maximum automobile parking for the site would be 16 spaces.

Bicycle parking requirement: There is not a bicycle parking requirement for a tow service.

Loading: There is not a minimum loading requirement for a tow service.

Maximum Floor Area: The maximum floor area ratio in the I2 District is 2.7. The lot area is 25,025 square feet. The existing structure is 920 square feet. The floor area ratio is .037.

Height and Bulk: The maximum building height in the I2 District is limited to four stories or 56 feet, whichever is less. The existing structure is one-story, approximately 10 ft. in height.

Minimum Lot Area: The minimum lot area for a transportation use in the I2 District is 12,000 sq. ft. The minimum lot width for a transportation use in the I2 District is 100 ft. The proposed lot area is 25,025 sq. ft. and 156.5 ft. wide.

Dwelling Units per Acre: There are no dwelling units proposed.

Yard Requirements: The subject site is zoned I2 and there are no yard requirements along the all four property lines.

Hours of Operation: The applicant has an existing Class A tow service license in the City of Minneapolis. However, if the applicant is proposing to have hours open to the public on Sunday through Thursday between 1 a.m. and 6 a.m. and on Friday and Saturday between 2 a.m. and 6 a.m., the applicant will have to be approved for a new license for Extended Hours.

Signs: There is an existing non-illuminated wall sign attached to the building. The use of the building is changing; therefore, most likely the name on the building will change. All new signage is required to meet the requirements of the code.

Refuse screening: 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 uses.

Lighting: Lighting proposed for the development shall comply with Chapter 536 Specific Development Standards for the canopy lighting, Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. (a) *In general.* No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) *Specific standards.* All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:

See findings under #5 for the Conditional Use Permit.

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, 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 for the following standards:

- Amenities between the front lot line and building: The principal entrance is clearly defined with signage above the door. There is an existing window that is blocked at the front and there does not appear to be any lighting on the front of the building. Staff has recommended that the applicant install a new window and provide pedestrian level lighting at the front door to maximize natural surveillance and visibility and to facilitate pedestrian access.

MINOR SUBDIVISION

Required Findings:

- 1. Subdivision is in conformance with the land subdivision regulations and the applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.**

There are currently two parcels; one that is currently vacant and another that is used along with the parcels addressed as 824, 902 and 906 5th Street North for a scrap/salvage yard. The applicant is proposing to allow for a new towing service and the property at 814 5th Street North is insufficient in area and lot width. Therefore, the applicant is proposing a lot line adjustment, between 814 and 816 5th Street North to allow for a parcel sufficient in size to meet the zoning requirements and the needs of the business. Both parcels will be in conformance with the requirements of the subdivision ordinance, zoning code and comprehensive plan.

- 2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.**

The proposed subdivision will not be injurious to the use and enjoyment of other property in the vicinity, as it will be bound within the existing block and held under common ownership. Further, the proposed subdivision will not be detrimental to present or potential surrounding land neither uses, nor should it increase the congestion of the public streets.

- 3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.**

The site does not present the other above noted hazards.

- 4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.**

The purpose of the subdivision is to allow for both businesses to operate with sufficient size and access from the public street. The proposed subdivision is intended to only adjust the common lot line. Staff does not believe that there are any foreseeable difficulties with the proposed lot arrangement.

- 5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control in accordance with the rules, regulations and**

standards of the city engineer and the requirements of these land subdivision regulations. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

The site plan shows a significant decrease in the amount of impervious surface than what currently exists on the site. The existing site is 100% impervious surface and the applicant is now proposing 4,800 sq. ft. of landscaped area, which is approximately 19% of the site.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – 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 located at 814 and 816 5th St. N., 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 Community Planning and Economic Development Department – Planning Division for the Site Plan Review:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a site plan review to allow a towing service located at 814 and 816 5th St. N., subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevations and landscaping plans.
2. All site improvements shall be completed by June 13, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The applicant shall open the existing block window on the front of the building facing 5th Street North and install a transparent window.
4. At least 4,821 square feet (20 percent of the net lot area) of landscaped area shall be provided on-site and at least 10 deciduous canopy trees and 48 shrubs shall be provided as required by section 530.160 of the zoning code. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.
5. A landscaped yard of at least five (5) feet wide and screening not less than 6 feet in height and less than 95% opaque shall be provided along 5th Street North as required by section 550.280(e)(1) of the zoning code.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a minor subdivision to adjust the common lot line between 814 and 816 5th St. N.

Attachments:

- 1) Written descriptions and findings submitted by the applicant.
- 2) Copies of e-mails sent to North Loop Neighborhood and CM Samuels explaining the project
- 3) Letter of support from the North Loop Neighborhood
- 4) Zoning map
- 5) Hennepin County map
- 6) Existing land use map
- 7) Future land use map
- 8) Downtown Rezoning Study – staff recommendations map
- 9) Survey
- 10) Site plan
- 11) Photos
- 12) Oblique aerial photo