

Community Planning and Economic Development Planning Division Report

Conditional Use Permit and Site Plan Review

BZZ-1937

Date: October 13, 2004

Applicant: Whittier CDC and Manley Cycle

Address of Property: 2845 Harriet Avenue South

Project Name: Whittier CDC Building

Contact Person and Phone: Tom Reynolds, Whittier CDC, (612) 879-0109
Tom Manley, Manley Motorcycle (612) 822-7377

Planning Staff and Phone: Lonnie Nichols, Senior Planner, (612) 673-5468

Date Application Deemed Complete: September 20, 2004

End of 60-Day Decision Period: November 19, 2004

End of 120-Day Decision Period: January 18, 2004

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: I1 (light industrial) with a nonconforming parcel in the R2B (residential) district.

Proposed Zoning: Not applicable for this application, there is no rezoning petition for this application

Zoning Plate Number: 25

Legal Description: Tax parcel description, Flory Addn, Lot 002, Block 001

Proposed Use: Same as existing; mixed-use, light industrial business incubator building.

Concurrent Review: Conditional Use Permit for automobile repair minor (Manley Motor Cycle) and Major Site Plan Review for the entire building and property (Whittier CDC).

Applicable zoning code provisions: Chapter 520 Introductory Provisions, Chapter 521 Zoning Districts and Maps, Chapter 525 Administration and Enforcement-Article VII-Conditional Use Permits, Chapter 530 Site Plan Review, Chapter 531.110 Nonconforming Uses and Structures-Compliance with current standards, Chapter 535 Regulations of General Applicability, Chapter 536 Specific Development Standards, Chapter 541-Off Street Parking and Loading, Chapter 543 On-premise Signs, Chapter 550 Industrial Districts.

Minneapolis City Planning Division Report
BZZ - 1937

Background: Whittier CDC filed application for major site plan review and a conditional use permit for Manley Motorcycle shop for the building located at 2845 Harriet Avenue South in the I1 (light industrial) district. Regular hours of operation allowed under the I1 district are from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The affiliated neighborhood organization, the Whittier Alliance Board of Directors, voted to support the request for a CUP to allow a motor cycle repair shop and approved the site plan review.

The parcel size is 66,642 sf, building footprint is 46,187 sf, and gross floor area (1.5 stories) is 51,702 sf. The building was constructed in 1956 and has a floor area ratio of .78 ($51,702/66,642 = .7758$)

A plat for the existing parcel was approved by the City Planning Commission on December 11, 1996. It included the rezoning of a 4250 sf parcel (50 x 85) along the alley from the R2B to M1-2 (industrial) district. The rezoning of this parcel extended the Whittier CDC building property northward to accommodate the existing use of the said property as parking area for the industrial building. In 1999 as part of the zoning code revision, when this M1-2 zoning district was changed to the I-1 district, the 4250 sf parcel was apparently rezoned back to the R2B district by the City. The Zoning Office has indicated that regardless of the 4250 sf parcels' zoning district, it has grandfather rights to be a parking area serving the Whittier CDC building. The applicants have proposed to bring the nonconforming lot closer to compliance with the code by providing additional landscaping and screening to the existing setback area adjacent to residential. At preliminary plan review, the Whittier CDC director and staff from the public works right of way division seemed to agree that the existing dead end alley could be extended further northward to better align with property lines; but that the existing stall striping, parking alignment, and occasional cut through of vehicular traffic from the public alley through the private parking lot was low volume enough to not be an immediate public safety hazard. Staff from the public works department did indicate the issue should be placed on the back burner, subject to ongoing monitoring and evaluation by City staff and the property owner.

Findings as required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use of automobile repair minor for a motorcycle maintenance shop located in the Whittier CDC building at 2845 Harriet Avenue South in the I1 district:

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

The applicant, Manley Cycle, a motorcycle maintenance shop is already established in the existing building and has not received any complaints from the property owner or adjacent neighbors. The use will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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.

Minneapolis City Planning Division Report
BZZ - 1937

Manley Cycle is a full service performance tuning shop, located in about 3800 sf of an approximately 52,000 sf business incubator building. The use is in a completely enclosed area and is accessed through a walk-through door for customers and an overhead garage door for cycles off of Grand Avenue South. The use is already established and 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.

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

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

The Whittier CDC building is providing the required amount of parking for current uses in the building. Public Works staff is requiring the applicants to narrow the North end of an existing curb cut on Grand Avenue from 29 feet to approximately 11 feet. The new curb cut will be in alignment with the existing overhead garage door, thereby still allowing access for motorcycle deliveries, and the additional 18 feet of curbing added will provide enough space south of the existing fire hydrant to create enough space for an on-street parking stall. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

The use is located in an area that contains a mix of industrial uses. The Land Use Policy Map indicates that the parcel is designated for light industrial uses.

The proposed use is consistent with the following relevant policies and implementation steps of the Minneapolis Plan:

2.1 Minneapolis will increase its share of economic prosperity in the region.

Relevant Implementation Step

Support efforts that build skills and connect residents to living-wage jobs.

2.2 Minneapolis will develop the existing economic base by emphasizing business retention and expansion.

Relevant Implementation Step

Promote business start-ups, retention and attractions. Foster a healthy business environment by encouraging access to the resources and information necessary for successful operation.

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.

The Motorcycle Maintenance shop use is subject to the following specific development standards listed for automobile repair minor in Chapter 536 of the zoning code. The use otherwise appears to conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Automobile repair, minor.

- (1) 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.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) 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.
- (6) 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.
- (7) 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.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Required Findings for Major 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. (See Section B Below for Evaluation.)

C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- 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.
- 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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- 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 where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The building is existing and was constructed in 1956. Except for the NE corner of the property, where the off-street parking and loading area is located, the building was constructed from lot line to lot line. The placement of the building reinforces the street wall, maximizes natural surveillance and visibility, and facilitates pedestrian access and circulation. The building is oriented so that the principal entrance faces the parking lot on the North side of the building, but entrances are also provided facing Harriet and Grand Avenues. The facades of the building are made of rough cut and painted concrete block. The area between the building and the lot line includes a setback and landscaping (amenities) in the NE corner of the property helping to separate the use from adjacent residential uses. There is landscaping on the interior boulevard along Grand Avenue that requires an encroachment permit. The South façade of the building faces the Midtown Greenway. Window percentages have not been provided, but staff is recommending the applicant consider adding more windows to the building for daylighting and eyes on the street and Greenway. The applicant will also scrape and paint those sections of the building in need and continue to paint over graffiti and tagging on the property.

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).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

Clear and well-lighted walkways of at least four (4) feet in width are provided to connect the building entrances to the adjacent public sidewalk and to any parking facilities located on the site. There is not a transit shelter at the site. Vehicular access and circulation is designed to minimize conflicts with pedestrian traffic and to accommodate surrounding residential uses. At preliminary plan review, the Whittier CDC director and staff from the public works right of way division seemed to agree that the existing dead end alley could be extended further northward to better align with property lines, and that the existing situation of occasional vehicular traffic cutting through the private parking lot from the public alley was not an immediate public safety hazard. Staff from the public works department has indicated the issue should be placed on the back burner, subject to ongoing monitoring and evaluation by City staff and the property owner. The current uses in the building require 51 parking stalls and 53 parking stalls, including two HC accessible stalls are provided. One of the excess stalls is needed for an exterior dumpster, and the other for a seasonal snow storage area. There is a 25 foot wide and 80 foot long loading dock area for trucks on the North side of the building. There are walk through and/or overhead garage delivery doors on the North, East, and West sides of the building. Public Works staff is requiring the applicants to narrow the North end of an existing curb cut on Grand Avenue from 29 feet to approximately 11 feet. The new curb cut will be in alignment with the existing overhead garage door, thereby still allowing access for motorcycle deliveries, and the additional 18 feet of curbing added will create enough space for an on-street parking stall south of the existing fire hydrant. Public Works staff is requiring the applicants to widen the North end of an existing curb cut on Harriet Avenue from 17 feet to approximately 25 feet to make better alignment with the parking lot entrance and existing drive aisle and parking stall configuration. However, during a site inspection planning staff discovered the site plan rendering is in error and a 24 foot wide curb cut already exists at this location, thereby fulfilling the requirement. Public Works staff is further requesting that the applicants close an existing 13 foot wide curb cut on Harriet Avenue, but are not requiring it at this time due to the alignment of the space with an overhead garage door that may be used for future deliveries. Planning staff is requiring that the applicant add bicycle parking in the half concrete/half asphalt parking stall at the NW corner of the building in exchange for alternative compliance on landscaping area and plant count.

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 applicant has indicated the total lot area is 66,642 sf and the building footprint is 46,187 sf. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings (or in this application 4091 sf) shall be landscaped, (calculation: lot area – building footprint x 20% = 66,642 sf – 46,187 = 20,455 x .20 = 4091). The applicant has proposed 1539 sf or eight (8%) landscaping (calculation: 1539/20,455 = .0752). Section 530.150 of the code also requires not less than one (1) canopy tree for each one thousand (1000) sf and not less than one (1) shrub per each two-hundred (200) sf of the site not occupied by buildings. In order to be in full compliance, the required plant count for this site is twenty (20) trees and one-hundred-two (102) shrubs. The applicant has proposed no (0) trees, two (2) buffalo juniper shrubs, and 62 japanese red leaf barberry shrubs. There are 4 shrubs/trees (2 sumac and 2 other), and established vines on the adjacent neighbors fencing that define over 160 linear feet of property line. Planning staff is recommending that the applicant remove the proposed shrubs for this area from the final site plan and to not disturb the established vines along this part of the property line. The adjacent residential neighbor has rather impressively landscaped his/her yard and property including maintaining the vines around most of the perimeter. The applicant

Minneapolis City Planning Division Report
BZZ - 1937

will be required to provide a low growing hedge along the Harriet Avenue parking area. The applicant has indicated on the site plan there is an existing hedge in the interior boulevard along Grand Avenue containing 63 shrubs of unspecified variety. The plan indicates 11 existing boulevard trees on the perimeter of the site, with some available space for 2 to 4 additional boulevard trees. At Preliminary Plan Review, Public Works advised the applicant an encroachment permit would be required for the landscaping located in the right of way. Planning staff is supportive of alternative compliance on landscaping area and plant count in exchange for bicycle parking, a solid low growing hedge (approximate height of 3 feet) and wrought iron type decorative fencing along Harriet Avenue from the North edge of the curb cut to the North property line. The applicant will also request and help coordinate the planting and maintenance of infill boulevard trees around the site with the Minneapolis Parks Forestry Division.

ADDITIONAL STANDARDS:

- **Lighting shall comply with Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**
- **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.**

Lighting shall comply with the requirements of Chapter 535 and Chapter 541 of the zoning code. Planning staff is recommending a solid low growing hedge (approximate height of 3 feet) be established along Harriet Avenue from the North edge of the curb cut to the North property line. The proposed site plan does not block views of important elements of the city, generate wind currents at ground level, or shadow public spaces or adjacent properties. The City's crime prevention through environmental design (CPTED) specialist has reviewed the plan and recommends that all vegetation should follow the 3 foot - 7 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. CPTED guidelines encourage the design and retention of sight lines, the ability to be seen is important for safety and crime prevention. The CPTED Officer also requested that the applicant review the lighting of the property and make adjustments as needed.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards, requires the premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing litter. All uses in the building are subject to specific development standards.

Minneapolis City Planning Division Report
BZZ - 1937

Hours of Operation:

Hours of operation allowed under I-1 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

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. During Preliminary Plan Review, Licensing indicated that the outdoor dumpster should be enclosed.

Window obstructions:

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage:

The applicants have indicated there is an existing 42 square foot (3 x 14) wall mounted sign on site. This sign complies with code requirements but is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

MINNEAPOLIS PLAN:

See finding #5 in the Conditional Use Permit section of this report.

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

While no specific comments are made about the Whittier CDC building, the South Whittier Redevelopment Plan-Focus Area 4 (pg 49) of the Lake Street/Midtown Greenway Corridor Framework Plan states there are numerous opportunities for adaptive reuse and infill development at...the Soo Line Garden property...providing...the unique potential for integrating neighborhood open space with private development and the more public Greenway. The Soo Line Garden is located across Harriet Avenue to the West of the Whittier CDC building.

Alternative Compliance. The Planning Commission may approve alternatives to any major 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.**

Planning staff is recommending alternative compliance be granted on landscaping area and plant count in exchange for bicycle parking, a solid low growing hedge (approximate height of 3 feet) and wrought iron type decorative fencing along Harriet Avenue from the North edge of the curb cut to the North property line. The applicant will also request and help coordinate the planting and maintenance of infill boulevard trees around the site with the Minneapolis Parks Forestry Division.

RECOMMENDATIONS OF THE COMMUNITY PLANNING AND ECONOMIC DEVELOPMENT PLANNING DIVISION:

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 repair minor for a motorcycle maintenance shop located in the Whittier CDC building at 2845 Harriet Avenue South in the I1 district, subject to compliance with the specific development standards for automobile repair minor uses listed in Chapter 536 of the zoning code.

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 Whittier CDC building at 2845 Harriet Avenue South in the I1 district, subject to the following conditions:

- 1) The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans.
- 2) The final site plan shall in exchange for alternative compliance on landscaping area and plant count show bicycle parking, a solid low growing hedge (approximate height of 3 feet) and wrought iron

Minneapolis City Planning Division Report
BZZ - 1937

type decorative fencing along Harriet Avenue from the North edge of the curb cut to the North property line. The applicant will also request and help coordinate the planting and maintenance of infill boulevard trees around the site with the Minneapolis Parks Forestry Division.

- 3) The applicant shall obtain an encroachment permit for landscaping and any other amenities such as fencing or bicycle parking located in the public right of way.
- 4) The applicant will consider adding more windows to the building for day lighting and eyes on the street and Greenway.
- 5) The applicant will scrape and paint those sections of the building in need and continue to paint over graffiti and tagging on the property.
- 6) The applicants will narrow the North end of an existing curb cut on Grand Avenue from 29 feet to approximately 11 feet and restore the exterior boulevard in this area. The new curb cut will be in alignment with the existing overhead garage door, thereby still allowing access for motorcycle deliveries, and the additional curbing added will create enough space for an on-street parking stall.
- 7) The uses in the Whittier CDC building shall be in compliance with the applicable specific development standards listed in Chapter 536 of the zoning code.
- 8) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements or the permit may be revoked for noncompliance.
- 9) All site improvements shall be completed by October 15, 2004 unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

1. Staff report and zoning code data
2. Statement of use, findings, and correspondence
3. Summary of previous actions including maps
4. Zoning maps
5. Site, landscaping and floor plans
6. Photos