

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

Conditional Use Permit and Site Plan Review
BZZ-3318

Date: January 22, 2007

Applicant: Midwest Motorcycle Rental and Tours, 215 Washington Avenue North,
Minneapolis, MN 55401, (612) 490-2860

Addresses of Property: 215 Washington Avenue North

Project Name: Midwest Motorcycle Rental and Tours

Contact Person and Phone: Dudley and Smith, Joseph J. Dudley, Jr., 2602 US Bank
Center, 101 East Fifth Street, Saint Paul, MN 55101, (651) 291-1717

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

Date Application Deemed Complete: December 12, 2006

End of 60-Day Decision Period: February 9, 2007

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

Ward: 7 Neighborhood Organization: Downtown Minneapolis Neighborhood
Association (DMNA)

Existing Zoning: B4S-1 (Downtown Service) District, DP (Downtown Parking) Overlay
District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 19

Lot area: 7,128 square feet or .16 acres

Legal Description: Not applicable for this application

Proposed Use: Continue to utilize the site for motorcycle rental and sales.

Concurrent Review:

- Conditional Use Permit for auto rental and sales (motorcycle rental and sales).
- Site Plan review for an existing motorcycle rental and tours business in the B4S-1 district. All automobile service uses are subject to site plan review.

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

Background: The applicant, Midwest Motorcycle Rental and Tours, proposes to continue to operate an existing motorcycle sales, rental and tours business located on the properties at 215 Washington Avenue North. The site is zoned B4S-1 and DP Overlay district. The DP Overlay District is not applicable for the proposed development as the district was created to preserve significant and useful buildings, to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. No additional surface parking spaces are proposed as part of the project. Auto rental and sales are conditional uses in the B4S-1 district. Auto rental and sales are analogous to motorcycle rental and sales in the Zoning Code; as such a conditional use permit is required. Additionally, site plan review is required as all automobile service uses are subject to site plan review.

The business has operated on the site for the past 7 years. The applications are required in order to bring the property into compliance. The business is seasonal from April 15th through the end of October and approximately 100-130 motorcycles are rented during that period of time. In addition to those rentals, the applicant typically sells 5 or 6 motorcycles per season.

Staff has not received official correspondence from the Downtown Minneapolis Neighborhood Association (DMNA) stating a position on the applications prior to the printing of this report.

The project is required to go through the City’s Preliminary Development Review process. Prior to the printing of this report, the applicant had not satisfied this requirement.

CONDITIONAL USE PERMIT – for auto rental and sales (motorcycle rental and sales).

Findings as Required by the Minneapolis Zoning Code:

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

Provided the owner continues to operate the businesses in compliance with all applicable state and local regulations, Staff would not expect that the continued operation of the site for motorcycle rental and sales would be detrimental to or

endanger the public health, safety, comfort or general welfare. Based on the surrounding land uses which are primarily a mix of commercial and residential uses in nature, Staff believes that the proposed uses would continue to be compatible with the other uses in the vicinity.

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 site is currently operating and has been operating for the past 7 years as a motorcycle rental, sales and tours business. The purpose of the conditional use permit application is to bring the property into compliance. Staff would not expect that the existing business 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 as the uses on site have demonstrated compatibility with the surrounding uses. No outdoor storage or displays of motorcycles shall be permitted on the public sidewalk.

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

The site can be accessed off both Washington Avenue and via the alley at the rear of the site. There are 3 existing surface parking spaces located at the rear of the site adjacent to the public alley. The Public Works Department will review both the preliminary plan and the final plan for compliance with standards related to access and circulation, drainage, and sewer/water connections.

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

There is existing access to the site off both Washington Avenue and via the alley at the rear of the site. The applicant proposes no alterations to the site and would maintain the existing access. There are 3 off-street parking spaces located at the rear of the site.

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

The *Downtown 2010 Plan* is the part of the comprehensive plan that guides development for downtown. According to the *Minneapolis Downtown 2010 Plan*, this property is located in a secondary office area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Encourage a variety of retail with diverse price points in downtown in order to serve a broad range of residents.

- Encourage street-level retail in the office districts in order to provide services and street-level vitality.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail activity is important.
- Provide a physical environment that will attract continued investment by ensuring that downtown remains attractive, clean and safe.

This development supports these principles and policies.

Further, there is one additional plan that is applicable for the subject parcel. *The Downtown East/North Loop Master Plan* was approved by the City Council in October of 2003. This site is within the plan area and was recently rezoned as part of the Downtown East/North Loop Rezoning study from B4C-2 to B4S-1. There are several policies from the plan that apply to this project area which include:

- According to the Map of Development Precincts (Fig. 4.1) the subject parcel is located in the West Hennepin Precinct. The text within Chapter 4 indicates that given the mostly built-up nature of this station area, there is limited potential for new large-scale development projects. All new development in this precinct should maintain and enhance the historic character of the district. Street level retail is encouraged throughout the district.
- Various retail strategies are outlined in Chapter 2 of the plan. The chapter encourages providing neighborhood commercial and retail services as downtown should remain a strong regional center for goods and services. Further the plan identifies that retail must be strategically located or clustered at LRT stations, major intersections, or along existing or emerging commercial corridors such as Washington Avenue.
- Chapter 7 of the plan identifies priorities for property development in the plan area and encourages the emergence of street level retail along Washington Avenue.
- An inconsistency between the proposed use and the plan is that the use could be considered auto-oriented. One of the primary objectives of the plan is the prospect of making the downtown less auto-dependant.

In general, the development meets many of the goals of the *Downtown East/North Loop Plan*; however there are specific aspects of the plan related to the auto-oriented use that are not in compliance with the plan as outlined above.

- 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 rezoning request, relevant variances, and site plan review.**

If all land use/zoning applications are approved, including a conditional use permit and site plan review, the proposal would comply with all provisions of the B4S-1 District.

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 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. 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 existing single-story structure is located up to the property line along Washington Avenue N. No internal or exterior modifications to the existing structure are proposed. The existing building placement is consistent with the placement of other buildings on the block. There is no landscaping proposed between the building and the street as the building is constructed up to the property line. The principal entries to the existing structure are oriented towards Washington Avenue N. The existing structure reinforces progressive design and a street-oriented building alignment. The existing structure reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access along Washington Avenue N.

The existing building incorporates windows at the first floor which do not appear to meet

the 30% window requirement for non-residential uses facing a public street. However, the building is existing. The existing windows are not distributed in a more or less even manner.

There appears to be a blank, uninterrupted wall greater than 25 feet in width on the northwest elevation that does not include windows, entries, recesses or projections, or other architectural elements. However, as previously mentioned the building is existing.

The exterior materials on the existing building are compatible on all sides of the structure. The existing building is composed of brick.

The proposed building form and the pitch of the roof line is compatible with other buildings in the area. The existing roof line is flat and a single-story structure is compatible with other buildings the area.

No parking ramp is proposed as part of the development. On-site parking is being provided for the development at the rear of the site adjacent to the public alley.

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 entrance to the existing structure is directly connected to the public sidewalk.

There are no transit shelters within the development. The site is not immediately adjacent to a transit stop however it is in close proximity to several bus lines.

The proposed development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses.

There is a public alley adjacent to the site which has been and would continue to be utilized for access to the rear of the site.

The existing site has not been designed to minimize the use of impervious surfaces, however, the footprint of the existing structure almost entirely covers the lot.

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. The total site area is 7,128 square feet and the existing building footprint on the site is 5,211 square feet. A total of 384 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing no landscaping on site. Alternative compliance would be required. The zoning code requires that there be at least 1 tree and 4 shrubs planted on the site. The proposal is not meeting the minimum landscape quantity requirements. Based on the existing conditions on the site, Staff does not believe it is practical to require that the site meet the 20% landscaping requirement. Staff does believe, however, that the site could be enhanced by providing window box planters in the ground level windows facing Washington Avenue N. Staff would recommend that the Planning Commission grant alternative compliance subject to the condition that the window box planters be provided.

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.**

Parking is being provided for 3 vehicles on-site in an off-street parking located at the rear of the site. Access to the site is being provided via the public alley on the south side of the site. The water drainage on site would need to be designed so as not to drain onto any adjacent lots.

There are no recommendations from the City's CPTED officer as the project has not been through the required Preliminary Development Review (PDR) process. Any recommendations made during this process will need to be incorporated into the final plans. Planning Staff is concerned with the amount of window signs currently located in the windows along Washington Avenue North and the visibility into and out of the business. Approval will be subject to compliance with the window sign provision as stated in Chapter 543.350 of the Zoning Code.

There are no parking facilities proposed for the development.

The existing building will not result in any further blocking of views, shadowing of public space or adjacent properties and would not have significant impacts on light, wind and air in relation to the surrounding area.

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 existing use is conditional in the B4S-1 District.

Specific Development Standards for automobile rental:

1. Fuel pumps for the purpose of the retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes dispensing of fuel for the automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

Specific Development Standards for automobile sales:

1. Fuel pumps for the purpose of the retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes dispensing of fuel for the automobiles maintained on-site, the use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
2. The rental of passenger automobiles shall be prohibited, except as an accessory use.

Further, compliance with the B4S general district regulations as stated in Section 549.460(3) would be applicable as well.

With the approval of the conditional use permit and site plan review, and compliance with the specific development standards, this development would meet the requirements of the B4S-1 zoning district.

Parking and Loading: Chapter 541 of the zoning code requires a minimum of 4 parking spaces but not less than 1 parking space for each 1,400 square feet of gross floor area in the B4S districts. A total of 4 parking spaces would be required for the proposed development based on the size of the structure at 5,211 square feet. There are 3 legal parking spaces located at the rear of the structure. The existing structure has grandfathered parking rights to all other required parking spaces as determined by the Zoning Administrator.

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.

Lighting: There is existing lighting adjacent to the building entrances and along the alley. Any new lighting would need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541.

Signs: All new signage is required to meet the requirements of the code. Permits are required from the Zoning Office should any signage be included for the development. Staff is concerned with the amount of window signage currently located in the windows on site. The property must be brought into compliance with the window sign provision as stated in Chapter 543.350 of the Zoning Code.

Maximum Floor Area: The maximum F.A.R. for all structures located in the B4S-1 district is the gross floor area of the existing building which is 5,211 square feet divided by the area of the lot which is 7,128 square feet. The outcome is .73 which is less than the maximum of 4 that is permitted in the B4S-1 District.

Minimum Lot Area: Not applicable for this development. Typically, the lot dimension requirements in the downtown districts for automobile sales would be a minimum lot area of 12,000 square feet and a minimum lot width of 100 feet. The subject parcel would be non-conforming as to these requirements. The Zoning Administrator has indicated that the sales component was established prior to the minimum lot area requirement.

Dwelling Units per Acre: Not applicable for this development.

Height: There are no height limitations in the B4S-1 District.

Yard Requirements: There are no required yards for the proposed development.

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

MINNEAPOLIS PLAN

The *Downtown 2010 Plan* is the part of the comprehensive plan that guides development for downtown. According to the *Minneapolis Downtown 2010 Plan*, this property is located in a secondary office area as found on the concept plan map. According to the Principles and Policies outlined in *Downtown 2010 Plan*, the following apply to this proposal:

- Encourage a variety of retail with diverse price points in downtown in order to serve a broad range of residents.
- Encourage street-level retail in the office districts in order to provide services and street-level vitality.
- Promote retail and other interesting uses at street level in order to reinforce the linking function of streets and to create vitality. These uses should be encouraged at the street level throughout downtown and required where the continuity of retail activity is important.
- Provide a physical environment that will attract continued investment by ensuring that downtown remains attractive, clean and safe.

This development supports these principles and policies.

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

Further, there is one additional plan that is applicable for the subject parcel. *The Downtown East/North Loop Master Plan* was approved by the City Council in October of 2003. This site is within the plan area and was recently rezoned as part of the Downtown East/North Loop Rezoning study from B4C-2 to B4S-1. There are several policies from the plan that apply to this project area which include:

- According to the Map of Development Precincts (Fig. 4.1) the subject parcel is located in the West Hennepin Precinct. The text within Chapter 4 indicates that given the mostly built-up nature of this station area, there is limited potential for new large-scale development projects. All new development in this precinct should maintain and enhance the historic character of the district. Street level retail is encouraged throughout the district.
- Various retail strategies are outlined in Chapter 2 of the plan. The chapter encourages providing neighborhood commercial and retail services as downtown should remain a strong regional center for goods and services. Further the plan identifies that retail must be strategically located or clustered at LRT stations, major intersections, or along existing or emerging commercial corridors such as Washington Avenue.
- Chapter 7 of the plan identifies priorities for property development in the plan area and encourages the emergence of street level retail along Washington Avenue.
- An inconsistency between the proposed use and the plan is that the use could be considered auto-oriented. One of the primary objectives of the plan is the prospect of making the downtown less auto-dependant.

In general, the development meets many of the goals of the *Downtown East/North Loop Plan*; however there are specific aspects of the plan related to the auto-oriented use that are not in compliance with the plan as outlined above.

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 required as the proposal does not meet the 20% landscape requirement. The total site area is 7,128 square feet and the existing building footprint on the site is 5,211 square feet. A total of 384 square feet of landscaping would be necessary to meet the 20% requirement. The applicant is proposing no landscaping on site. The zoning code requires that there be at least 1 tree and 4 shrubs planted on the site. The proposal is not meeting the minimum landscape quantity requirements. Based on the existing conditions on the site, Staff does not believe it is practical to require that the site meet the 20% landscaping requirement. Staff does believe, however, that the site could be enhanced by providing window box planters in the ground level windows facing Washington Avenue N. Staff would recommend that the Planning Commission grant alternative compliance subject to the condition that the window box planters be provided.

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 auto rental and sales (motorcycle rental and sales) for property located at 215 Washington Avenue North subject to the following condition:

1. Outdoor display shall be prohibited as required by section 549.460(3) 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 property located at 215 Washington Avenue North subject to the following conditions:

1. Planning Staff review and approval of the final site plans.
2. All site improvements shall be completed by January 22, 2008 unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

3. Installation of permanent planter boxes into the ground level windows in the southeast elevation located adjacent to the Washington Avenue North frontage.
4. Compliance with the window sign provision as stated in Chapter 543.350 of the Zoning Code.
5. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.

Attachments:

1. Description of project and findings
2. Correspondence
4. Zoning map
5. Plans –site plan, floor plans, elevations
6. Photos