

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permits and Site Plan Review  
BZZ-3273

**Date:** November 13, 2006

**Applicant:** Paul Warnert

**Address of Property:** 304 61<sup>st</sup> Street West

**Project Name:** Paul's Bobby & Steve's Vehicle Storage Lot

**Contact Person and Phone:** Paul Warnert 612-369-7932

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** October 23, 2006

**End of 60 Day Decision Period:** December 22, 2006

**Ward:** 11     **Neighborhood Organization:** Windom

**Existing Zoning:** I2 Medium Industrial District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 36

**Legal Description:** Not applicable for this application.

**Proposed Use:** Towing Service.

**Concurrent Review:**

**Conditional Use Permit:** For a towing service.

**Conditional Use Permit:** For 24-hour operation.

**Site Plan Review:** For a towing service/transportation use.

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

**Background:** Paul's Bobby & Steve's Auto World has applied for a conditional use permit and site plan review for a towing service. In addition, they are applying for a Class A Motor Vehicle Servicing (towing) license. This type of license requires a storage lot open to the public 24 hours a day and allows them to tow cars not at the request of the owner. Therefore, the applicant is also requesting a conditional use permit for 24-hour operation to comply with this requirement. Approval of the conditional use permits is not an approval of the license and does not guarantee approval of the license.

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The applicant has indicated that currently they are towing one to two cars a day for impounding and that they do not intend to have a impound lot like Cedar, Wrecker, and Gopher Towing services (they have Class A licenses), but that the site would be used for overflow parking for the Paul's Bobby and Steve's Auto World at 58<sup>th</sup> and Nicollet and for vehicles they tow for the State Patrol.

The site consists of two buildings. The south or front building will be used by Paul's Bobby and Steve's Auto World for the towing services with offices and some indoor vehicle storage. The north or rear building has businesses not associated with Paul's Bobby and Steve's Auto World. The secure vehicle storage area is on the west side of the building and customer parking is in the front and along the east and north sides of the site.

As of the writing of this report, staff has not received any correspondence for the neighborhood group, but will forward comments, if any, at the Planning Commission meeting.

### **CONDITIONAL USE PERMIT (for a towing service)**

#### **Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department 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.**

Although there are residential properties to the east of the site the majority of the surrounding properties are industrial, many of them are more intensive uses. If managed properly, the proposed use should not be detrimental to the area.

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

The adjacent uses are all industrial. The surrounding area is fully developed. The use has the potential to generate off-site impacts related to stormwater runoff, traffic, and emissions. Further, outdoor storage of vehicles can have an impact on the area in terms of visual blight. However, these types of impacts reflect the reasons for limiting towing services to industrial districts. To the extent feasible, these impacts must be mitigated through existing controls such as the stormwater management ordinance, landscaping and screening as required by site plan review, and provision of adequate customer parking. If properly managed and with compliance with the above noted land use controls, the proposed towing service should have few negative impacts on the area beyond those already present.

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

Adequate utilities and access roads are existing. A stormwater management plan is required as a part of the final site plan approval.

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

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

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

The land use map in the comprehensive plan shows this area as primarily industrial. The plan does not indicate any specific direction for the area. Towing services are only allowed in the I2 and I3 Industrial Districts.

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

The location of the towing service in an industrial area and the associated site plan improvements are in conformance with these goals of the comprehensive plan.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permits and site plan review.**

The use will conform with the applicable regulations of the zoning code upon the approval of the conditional use permits and site plan review.

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**CONDITIONAL USE PERMIT (for 24 hour operation)**

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

The use is a sufficient distance from residential properties so that 24-hour operation should not prove detrimental to residents. The nearest residential uses are over 300 feet away to the east and north. Surrounding properties house general industrial uses including a concrete plant to the west, a railroad service and steel fabricator to the east, and a contractor yard and landscaping supply company to the south.

- 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.**

According to the applicant, currently they are towing one to two cars a day for impounding and that they do not intend to have a impound lot like Cedar, Wrecker, and Gopher Towing (they have Class A licenses), but that the site would be used for overflow parking for the Paul's Bobby and Steve's at 58<sup>th</sup> and Nicollet and for vehicles they tow for the State Patrol. They do not expect significant traffic during later hours.

- 3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.**

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

- 4. Will take measures to minimize traffic congestion in the public streets.**

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

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

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

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

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

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

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- 6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of the conditional use permits and site plan review.**

The use will conform with the applicable regulations of the zoning code upon the approval of the conditional use permits and site plan review.

**In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:**

- (1) Proximity to permitted or conditional residential uses.**

The proposed Cedar Towing site is approximately 330 feet from the nearest residential property to the east.

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

Traffic impacts of the towing service use can be significant. However, the applicant suggests that much of the traffic would take place during normal business hours.

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

The use is conditional in the I2 District. Assuming compliance with the planning commission's actions and any conditions of approval on the related applications the project would comply with standards of the zoning code.

- (4) History of complaints related to the use.**

The applicant has been using the lot for the last three years for overflow towing and more recently for automobile repair and servicing during the demolition and reconstruction of their new facility at 58<sup>th</sup> and Nicollet. Staff is not aware of any complaints about the use at the site. Records show 14 police calls at the site since 2004, although most of them were not about the business, but appear to be reported by the business.

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**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

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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 530.20 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 building is existing and is approximately 46 feet from the property line.

The area between the building and the lot line does not provide amenities. The parking is located in front of the building. Staff recommends landscaping be provided along the property line in front of the building as required by code.

The principal entrance faces south toward 61<sup>st</sup> Street West. The parking shall be striped to allow an access to the front door (please see attached staff recommendation).

There is parking in front of the building, but this is an existing situation.

The building is existing, but the façade is painted in a uniform manner and no reduction in the number of windows facing on the front façade is proposed. No windows are provided or proposed on this side of the building. The structure has a flat roof similar to 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 530.150 (b) related to alley access.
- Site plans shall minimize the use of impervious surfaces.

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The entrances to the buildings open onto the parking area that is between the building the public street. There is no public sidewalk in front of this building. The street right-of-way ordinance does not indicate that one is required, but this project has not yet been through Preliminary Development Review (PDR), so Planning staff does not know if one will be required by Public Works. If a sidewalk is required, a walkway from the building to the public sidewalk is impractical due to the location of existing parking and railroad tracks, but there will be a paved parking area that individuals can walk across. Staff recommends alternative compliance to allow the drive to function as a walkway.

There are no transit shelters on the site.

Public Works and the Fire Department have not yet reviewed the site plan for access and circulation and this project is required to have a PDR review before any site plan is approved. The site has one curb cut. There are no public alleys adjacent of the site.

The majority of the site is paved. Staff recommends the addition of landscaped/pervious areas at the front and along the east side of the site. Public Works has not reviewed this project, so there may be additional comments regarding stormwater management.

### **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.**

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The site plan shows no landscaping. The lot area is 43,256 square feet and the footprint of the buildings is approximately 15,601 square feet. This leaves 27,655 square feet, of which 20 percent (5,531 square feet) is required to be landscaped.

Staff recommends that landscaping be provided along the front property line as required by code and along part of the east property line to reduce impervious surfaces and to define the drive approach (please see attached staff alternative). The landscaping areas along the east side and the street frontage shall be five feet wide. The area between the vehicle storage area and adjacent to the tracks at the south east corner shall be made a landscaped area. If this is done then approximately 10 percent of the site minus buildings will be landscaped area. Staff recommends granting alternative compliance for the additional landscaping percentage as it is impractical to remove more area and still be able to provide the necessary vehicle storage and maneuvering areas. This plan will provide landscaping in the areas most visible to the public.

The development is required to provide 11 trees and 55 shrubs. The applicant has not provided a landscape plan, so there are no trees or shrubs shown. Staff recommends alternative compliance to reduce the number of trees from the required 11 to one, as it is impractical to provide trees along a railroad right-of-way at the front and east sides of the site, as they will interfere with train operations. In addition, there are power lines on the east property line that may make interfere with tree growth. The rear part of the site is utilized for truck loading, so tearing up paving for trees will the make maneuvering very difficult. It should be possible to plant one tree along the frontage on 61<sup>st</sup> Street West. This shall be a deciduous shade tree of at least a 2.5 inch caliper.

The shrubs should be planted to define the separation between the landscaping and the parking areas, provide screening of the vehicle storage area (6 feet in height), and provide screening of the customer parking area (3 feet in height). A variety of shrubs shall be planted as alternative compliance for the reduction in landscape area and the number of trees.

The south side of the vehicle storage area has a chain link fence with slats. This is prohibited by code and shall be replaced with a screen fence and landscaping along the south side of the vehicle storage area and along the west side running north up to the point adjacent to the building to the west on the west property to provide screening as required by Section 530(3)(b).

### **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

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- **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.**

Curbing is not shown in the surface parking area. The parking and drives are designed to sheet drainage to catch basins or toward the public street.

The buildings do not block of important views of the city, shadow public spaces and adjacent properties, will not significantly generate wind currents at ground level.

With the recommended changes the plan meets the CPTED guidelines. The final site plan should incorporate any CPTED principals recommended by the crime prevention specialist at the PDR meeting.

### **Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**ZONING CODE:** The proposed use is a conditional use in the I2 Medium Industrial District. The zoning code defines a towing service as an establishment engaged in the towing or storage of damaged or impounded vehicles. Such use shall not include the wrecking or dismantling of vehicles.

**Off-Street Parking and Loading:** The zoning code requires one space per 300 square feet of gross floor area in excess of 4,000 square feet plus one space per 4,000 square feet of motor vehicle storage area. This use is required to have 7 spaces; 4 for the building and 2 for the storage area. The applicant proposes 12 legal parking spaces.

**Maximum Floor Area:** The maximum FAR in the I2 District is 2.7. The lot in question is 43,256 square feet in area. The site contains approximately 15,601 square feet of gross floor area on the lot, an FAR of 0.36.

**Building Height:** Building height in the I2 District is limited to 4 stories or 56 feet, whichever is less. The existing buildings are one story.

**Minimum Lot Area:** Transportation uses in the industrial districts require a minimum lot area of 12,000 square feet and a minimum lot width of 100 feet. The lot in question is 43,256 square feet and is 125 feet wide.

**Yard Requirements:** No setbacks are required for this use in the I2 District.

**Specific Development Standards:** No specific development standards are applicable for this use.

**Hours of Open to the Public:** In the I2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The applicant is requesting a conditional use permit for 24 hour operation.

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**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No signs are proposed, but the applicant is aware that signs require zoning office approval and permits. Staff is recommending the removal of some signs (see the site plan review section of this report).

**Refuse storage:** Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers are at the rear of the building where they are not visible from the street or residential properties.

**Lighting:** The lighting will comply with Chapters 535 and 541 including the following standards:

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) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) 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.
- (4) 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.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) 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:** Please see finding number five under the conditional use permit sections of the staff report.

**SMALL AREA PLANS ADOPTED BY COUNCIL:** There are no small area plans adopted for this area.

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**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.**

The entrances to the buildings open onto the parking area that is between the building the public street. There is no public sidewalk in front of this building. The street right-of-way ordinance does not indicate that one is required, but this project has not yet been through Preliminary Development Review (PDR), so Planning staff does not know if one will be required by Public Works. If a sidewalk is required, a walkway from the building to the public sidewalk is impractical due to the location of existing parking and railroad tracks, but there will be a paved parking area that individuals can walk across. Staff recommends alternative compliance to allow the drive to function as a walkway.

Staff recommends granting alternative compliance to reduce the required landscaping from 20 percent to 10 percent and to reduce the required amount of trees from 11 to one. It is impractical to provide more area and still be able to provide the necessary vehicle storage and maneuvering areas. It is impractical to provide trees along a railroad right-of-way at the front and east sides of the site, as they will interfere with train operations. In addition, there are power lines on the east property line that may make interfere with tree growth. Staff recommends that a variety of shrubs shall be planted that provide seasonal interest and a superior landscaping plan as an amenity for alternative compliance to allow the reduction in landscape area and the number of trees. The shrubs should be planted to define the separation between the landscaping and the parking areas, provide screening of the vehicle storage area (6 feet in height), and provide screening of the customer parking area (3 feet in height). This plan will provide landscaping in the areas most visible to the public.

**RECOMMENDATIONS:**

**Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for a towing service:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for a towing service for property located at 304 61<sup>st</sup> Street West.

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### **Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit for 24-hour operation:**

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit for 24-hour operation for a towing service for property located at 304 61<sup>st</sup> Street West.

### **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 findings above and **approve** the site plan review for a towing service for property located at 304 61<sup>st</sup> Street West subject to the following conditions:

- 1) Staff review and approve the site plan, lighting plan, landscaping plan, and signage plan before building permits may be issued.
- 2) All site improvements shall be completed by November 13, 2007, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Provision of landscaping at the front of the site as outlined in the landscaping section of this report including the provision of five-foot wide landscaped areas along the frontage and the east property line and a large landscaped area at the southeast corner of the site for the area not utilized by the railroad right-of-way and customer parking. At least one tree shall be provided and 55 shrubs that will define and screen the parking and vehicle storage areas. A variety of shrub shall be utilized to provide seasonal interest and an exception landscaping plan as an amenity for reduction in the required number of trees and landscaped area.
- 4) A sign plan shall be provided for the site signage and the freestanding sign at the southwest corner of the site shall be repaired or removed to comply with the sign regulations 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 Section 525.360 and 530.100 of the zoning code.

### **Attachments:**

1. Statement from applicant.
2. Zoning map.
3. Site plans and elevations.
4. Photos.