

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Variance, and Site Plan Review
BZZ-2164

Date: January 24, 2005

Applicant: Cami Waag dba Lucky's Garage.

Address Of Property: 815 Cedar Avenue South

Contact Person and Phone: Cami Waag – Lucky's Garage 612-363-0247

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

Date Application Deemed Complete: December 23, 2004

End of 60 Day Decision Period: February 21, 2005

Ward: 6 **Neighborhood Organization:** Seward

Existing Zoning: I2 Medium Industrial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 21

Legal Description: Not applicable for this application.

Proposed Use: Motorcycle sales and repair.

Concurrent Review:

Conditional Use Permit: To allow motorcycle sales and repair.

Variance: From 23 spaces to 21 spaces (11 actual).

Site Plan Review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, specifically Section 525.520(6) "to reduce the applicable off-street parking, stacking, or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is greater"; and Chapter 530 Site Plan Review.

Background: The applicant proposes to use the existing building, which was previously used for light manufacturing, for motorcycle manufacturing, sales, storage, and repair. The majority of the building will be utilized as manufacturing and storage, but the remainder would be two repair bays and approximately 2,000 square feet of gross floor area dedicated for motorcycle sales (approximately 10 percent). Please see the applicant's letters for a more detailed description of the business. While motorcycle manufacturing and storage are permitted uses in the 12 Medium Industrial District, the sales and repair each require a conditional use permit.

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This site is in an area proposed for the addition of the Pedestrian Overlay (PO) District (please see attached map and text). The PO District amendments and remapping were approved at the January 14, 2005 City Council meeting, with the exception of the Franklin Avenue Station Area. The City Council postponed action on the PO District for the Franklin station area. If the PO district had been added to the site, then these uses would have been prohibited. They are allowed as a conditional use in the I2 District. If the conditional uses are approved, and if the PO District is added to the site at a later date, then the motorcycle sales and repair will be made nonconforming uses. The manufacturing and storage will remain permitted uses.

Minnesota Grinding, the previous occupant of the building, had a parking requirement of 21 spaces under the medium industrial use standard. Approximately 11 legal parking spaces can be provided on site; therefore, the site has grandfather rights to 10 spaces ($21-11 = 10$). With the addition of sales and repair to the building, the parking requirement is increased to 23 spaces. The applicant is requesting a variance to decrease the required parking from 23 to 21 spaces. This is a reduction of two spaces or approximately nine percent. If the PO district is added to this site, and if the proposed text amendments to the PO district are adopted, then the use would be required to provide seventy five (75) percent of the parking requirement specified by Chapter 541 of the zoning code. This would reduce the required parking from 23 spaces to 19 spaces.

The parking lot at the southwest corner of the site provides required parking for Whiskey Junction. The applicant owns the building at 815 Cedar Avenue and Whiskey Junction. In the past the ownership of the sites was separate. The applicant has included the southwest parking lot on the site plan and is willing to improve it to city standards and code requirements as a part of this site plan review, but it is not required to do so as a part of this application. It is subject to site plan review, because Whiskey Junction is subject to site plan review, so it is in the applicant's interest to include the site, but it would not be necessary to allow Lucky's Garage to occupy the building.

CONDITIONAL USE PERMIT (to allow motorcycle sales and repair)

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:

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

The site will continue to be used mainly for manufacturing and warehousing with the addition of small sales (10 percent of gross floor area) and repair (2 bays) areas to the inside of the building. The size of the building will not change. The surrounding area has other commercial, office, entertainment, and motorcycle-related uses in close proximity. The applicant will improve the parking area and add windows to the building. This should not be out of character with the area or be detrimental to the health, safety, 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.

This site is located in a Transit Station Area (TSA) and is slated for the addition of the PO District. The TSA policies in the comprehensive plan discourage automobile/motorcycle related uses in TSA's and they are prohibited in the PO district. Normally staff would not recommend approval of an automobile related use in a TSA and a potential PO district, as they could impede development or redevelopment of the area; however, in this case there are unique circumstances.

The building has been historically used for manufacturing and for the most part will continue to be utilized as such. Approximately 10 percent of the gross floor area will be used for sales and only two bays will be utilized for repair, so the building will continue to be mainly a manufacturing facility with skilled high-paying jobs. There is a motorcycle sales business located to the east of the site and bars that are oriented to motorcycle riders, so the use would not be out of character with the area. The proposed development plan in the *Franklin-Cedar/Riverside Transit Oriented Design Master Plan* shows this site with retail along Minnehaha Avenue and a large surface parking lot (see attached plan) rather than a large transit oriented high density use. The continued use of the site as manufacturing facility with sales and repair will not impede any proposed or planned transit oriented development.

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

Utilities and access roads are existing and adequate. A drainage plan will be reviewed by Public Works at the final site plan stage.

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

The site is required to provide 23 parking spaces (19 if the PO District is added). Eleven spaces can be provided, 10 are grandfathered, and the applicant is requesting a variance for the difference of two spaces. The majority of the building will continue to be utilized for manufacturing and storage. Only a small portion will be used for sales and repair, so there should not be a significant increase in traffic to the site. The use is near an LRT station, so there is good access to transit as well. There should not be a significant change to traffic conditions in the area.

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

The Minneapolis Plan has the following policies and implementation steps for Transit Station Areas:

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Implementation Steps

Explore and pursue opportunities to integrate development with transit stations.

Concentrate highest densities and mixed-use development nearest the transit station and/or along Commercial Corridors, Community Corridors and/or streets served by local bus transit.

Ensure that new development density is well integrated with existing neighborhood character through transitions in scale and attention to design.

Support the development of new housing types in the TSA, including townhomes, mansion apartments, garden apartments, granny flats/carriage houses, and multi-family residential buildings.

Support and encourage small-scale, pedestrian-oriented services and retail uses to locate near stations and within mixed-use buildings to serve transit riders and the immediate neighborhood (e.g., day care centers, cafés, dry cleaners, convenience grocery, etc.).

Recruit land uses that value convenient access to downtown Minneapolis or other institutional or employment centers that are well served by transit.

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

4.19 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Preserve traditional urban form where it currently exists within TSAs, and encourage new development to relate to this context. (See description of traditional urban form in *Chapter 9, City Form*)

Work in partnership with neighborhoods and businesses to enhance the safety and aesthetics of TSA streets and sidewalks through installation of streetscape elements (e.g., lighting, trees, and street furniture).

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form.*)

Ensure that TSA development is well integrated into the surrounding neighborhoods through attention to building design, landscaping, and transitions in density and land use.

4.20 Minneapolis will provide direct connections to transit stations for pedestrians, bicyclists, and bus riders.

Implementation Steps

Design streets, sidewalks, and other public infrastructure to prioritize pedestrian, bus and bicycle access to transit stations (e.g., create wider sidewalks; construct pedestrian bridges, tunnels, and plazas; add bicycle lanes and parking; create bus lanes, pull-outs, and waiting facilities.)

Work with transit service providers to ensure that bus connections to transit stations are safe, attractive and easy to use (e.g., establish appropriate signage and waiting facilities on important connecting local bus routes)

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Enhance pedestrian connections to stations where walking environments are unsafe or uninviting (e.g., buffering pedestrians from traffic, reducing intersection crossing distances, installing traffic control devices, limiting the size and number of curb cuts, improving streetscapes including lighting and landscaping, installing public art, etc.)

Mitigate physical barriers that prevent easy access for pedestrians to the stations (e.g., bridging highways or high-volume roadways, creating safe pedestrian underpasses, acquiring new public rights-of-way and passages, etc.)

Enhance pedestrian connections and wayfinding from neighborhoods with high concentrations of transit users.

Work in partnership with neighborhoods and businesses to ensure that primary pedestrian and bicycle routes are well maintained, free of obstacles, and cleared of snow and litter.

Establish working relationships with institutions, large employers, and/or landowners to encourage transit use and improve wayfinding to/from transit.

4.21 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Implementation Steps

Establish upper limits on the amount of off-street parking so that walking, bicycling and transit use are not discouraged.

Allow reductions in minimum off-street parking requirements.

Support shared use of parking by commercial uses with different peak periods of parking demand.

Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.

Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

Provide density bonuses for land uses that provide parking underground or within structures.

Use parking meters and other parking management practices to ensure an adequate supply and turnover of on-street parking for commercial activities.

Discourage long-term on-street parking by non-residents.

Work in partnership with the Metropolitan Council to evaluate and address the impact of automobile traffic and parking generated by the presence of transit stations.

Limit parking facilities in neighborhoods that are exclusively for the use of transit riders.

Work in partnership with other entities to identify opportunities for shared parking facilities to strategically support the development within TSAs.

Approximately 10 percent of the gross floor area will be used for sales and only two bays will be utilized for repair, so the building will continue to be mainly a manufacturing facility with skilled high-paying jobs. There is a motorcycle sales business located to the east of the site and bars that are oriented to motorcycle riders, so the use will not be out of character with the area. The proposed development plan in the *Franklin-Cedar/Riverside Transit Oriented Design Master Plan* shows this site with retail along Minnehaha Avenue and a large surface parking lot (see attached plan). The continued use of the site as manufacturing facility with sales and repair, while not meeting every goal listed for TSAs, should not impede any of these goals or any proposed or planned transit oriented development. The parking lot improvements will be in conformance with the goals of making the area more pedestrian friendly. Based on these unique circumstances, the addition of motorcycle sales and repair will be in conformance with the goals of the comprehensive plan if the proposed sales and repair uses remain subordinate to the manufacturing use in the building.

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 use of the site for sales and repair will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit, parking variance, and site plan review.

VARIANCE (to reduce the required parking from 23 to 21 spaces)

Findings Required by the Minneapolis Zoning Code:

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

Minnesota Grinding, the previous occupant of the building, had a parking requirement of 21 spaces under the medium industrial use standard. Approximately 11 legal parking spaces can be provided on site; therefore, the site has grandfather rights to 10 spaces ($21-11 = 10$). With the addition of sales and repair to the building, the parking requirement is increased to 23 spaces. The applicant is requesting a variance to decrease the required parking from 23 to 21 spaces. This is a reduction of two spaces or approximately nine percent. If the PO district is added to this site, and if the proposed text amendments to the PO district are adopted, then the use would be required to provide seventy five (75) percent of the parking requirement specified by Chapter 541 of the zoning code. This would reduce the required parking from 23 spaces to 19 spaces.

There is very little room for the additional parking on the site and the site is triangular, which makes it very difficult to provided parking spaces that meet the requirements of the zoning ordinance. In addition, the site is located near bus lines and the new LRT station making transit very accessible. While it is doubtful that significant numbers of customers will take transit to shop for motorcycles or have them repaired, there is an opportunity for employees to utilize this transit. The odd shape of the site is a hardship. Requiring that this use provide the full parking requirement when it is almost certain that the PO district will be added to the site lowering the parking requirement to where a variance would not be necessary would not allow a reasonable use of the property.

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

There is little space for additional parking and the site is triangularly shaped making it difficult to provide legal parking spaces. This situation is not generally applicable to other properties in the city.

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

The intent of the parking requirement is to provide adequate parking spaces to meet the parking demands of a use. The applicant is requesting a small reduction in parking of two spaces. It is not possible to add parking to the site and there is very good access to transit. The area is slated for the addition of the PO District, which would allow the use to provide seventy-five (75) percent of the required parking recognizing the uses proximity to the LRT station. This small parking variance does not circumvent the intent of the ordinance.

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

The proposed variance should not increase the danger of fire or endanger public safety. A reduction of two spaces should not have a significant impact on congestion in the public streets.

SITE PLAN REVIEW

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.)

The parking lot at the southwest corner of the site provides required parking for Whiskey Junction. The applicant owns the building at 815 Cedar Avenue and Whiskey Junction. In the past the ownership of the sites was separate. The applicant has included the southwest parking lot on the site plan and is willing to improve it to city standards and code requirements as a part of this site plan review, but it is not required to do so as a part of this application. It is subject to site plan review, because Whiskey Junction is subject to site plan review, so it is in the applicant's interest to include the site, but it would not be necessary to allow Lucky's Garage to occupy the building.

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).

The building is existing and is located up to the property lines. Principal entrances open onto the north parking lot and Cedar Avenue South. The area between the sidewalk and the building along the north, west, and south sides will have landscaping, but on the northeasterly side the sidewalk is up to the building. The exterior of the building is painted in a uniform manner. The existing windows on the building will remain and the applicant proposes reopening windows along the west side of the building.

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.

The main entrances of the building open onto the parking area and the public sidewalk. Public Works will review the parking lot for access and circulation at the January 19, 2005 Preliminary Plan Review meeting. Staff will forward comments from this meeting to the Planning Commission. There is very little room for snow storage so a snow removal plan is required at the final site plan stage. One

handicapped (one van) accessible space is required

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, or 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. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **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 current plan does not show any landscaping on site. However, the building covers most of the site up to the property lines, except at the very north part of the site. There are grass and landscaped areas in the right-of-way on the west and south sides of the site. If these are included the site will be over 20 percent landscaped. The required five-foot buffer yards with the required three-foot screening are not provided between the parking lots and the public sidewalks. The required curbing has not been provided around the parking lots. Until Public works has reviewed the plan, staff can't make concrete recommendations for the parking areas. In general, staff recommends five foot landscaped yards between the public sidewalks and the parking with the required three-foot high screening bounded by the required six-inch by six-inch concrete curbing. However, staff recommends these requirements be waived or adjusted where necessary to address unique site conditions. For example, curbing may be eliminated in the parking lots if sufficient landscaping is provided to allow stormwater to drain into the

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landscaped areas. Wheel stops and fencing will be utilized to prevent vehicles from encroaching into these landscaped areas. The five-foot buffers may be reduced where decorative wrought iron fencing is provided as an amenity. Approximately eight trees (four at each parking lot) and 60 shrubs (30 in each lot) are required comply with the landscaping standards.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of 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.**

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.

The City's crime prevention through environmental design (CPTED) standards recommend that all

vegetation should follow the 3 foot - 7 foot rule, which states that plantings 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.

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

ZONING CODE:

Specific Development Standards for automobile repair (minor):

Section 536, Specific Development Standards, requires the following for minor automobile repair:

- (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 (unless a CUP is obtained for sales).
- (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.

Section 536, Specific Development Standards, requires the following 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 the dispensing of fuel for the automobiles maintained on site, the use

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shall employ best management practices for 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.

Hours open to the public: Hours of operation allowed under the I2 Medium Industrial District 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. The applicant proposes to comply with these hours opening at 9:00 a.m. and closing at 6:00 p.m. in the winter and 8:00 p.m. in the summer.

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. A dumpster enclosure is provided. The refuse storage enclosure must be positioned so the doors can't swing into the public right-of-way when opened.

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 signage plan is not yet finalized. All new signage will require Zoning Office review and approval and permits. The applicant is aware that the signage is required to meet zoning code requirements and that if it does not a variance may be necessary, but is not guaranteed to be approved.

MINNEAPOLIS PLAN: Please see finding number 5 of the Conditional Use Permit section of this staff report.

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

The Minneapolis Plan designated this area as a study area due to the location of an LRT station. The City Council approved the *Franklin-Cedar/Riverside Transit Oriented Development Master Plan* for the area around the Cedar/Riverside LRT station on December 28, 2001. Please see findings number 2 and 5 of the Conditional Use Permit section of this report.

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.**

Alternative compliance may be necessary to allow the elimination of the curbing on the site to allow drainage to run into the landscaped areas. It may be necessary to allow landscaped areas to be narrower than five feet between the parking and the public sidewalks. It is necessary to allow the landscaping in the right-of-way to count towards the required 20 percent. Staff recommends granting alternative compliance if there is sufficient landscaped area to accept drainage and if a decorative wrought iron type fence is installed along the public sidewalk. The fence can be an amenity in lieu of the curbing and landscaping area.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for motorcycle sales for property located at 815 Cedar Avenue South subject to the following condition:

- 1) The sales area shall be limited to no more than 15 percent of the gross floor area of the building.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the conditional use permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for motorcycle repair for property located at 815 Cedar Avenue South subject to the following condition:

- 1) The repair area shall be limited to two service bays or 10 percent of the gross floor area of the building.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the required parking from 23 spaces to 21 spaces for property located at 815 Cedar Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 815 Cedar Avenue South subject the following conditions:

- 1) Staff review and approval of the final site, landscaping, and snow removal plans. All site improvements shall be completed by January 24, 2006 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 2) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement by April 5, 2005.
- 3) The site is subject to the applicable development standards for automobile sales and repair found in Chapter 536 of the Zoning Ordinance.

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- 4) Provision of one handicapped van accessible space.
- 5) The final landscaping plan shall incorporate landscaping and/or decorative fencing around the perimeter of the parking lot and shall comply with the minimum number of trees and shrubs required by Chapter 530 of the zoning code.

Attachments:

- 1) Franklin LRT station area development plan.
- 2) PO District regulations and map.
- 3) Letters from applicant.
- 4) Zoning map.
- 5) Site plan.
- 6) Photos.