

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

Conditional Use Permit and Site Plan Review  
BZZ-2946

**Date:** May 22, 2006

**Applicants:** Sulieman Mohammed (operator), Laurra Auto, 3718 Cedar Avenue South, Minneapolis, MN 55407 & Glen Gilbertson (property owner), Modern Equipment, 3718 Cedar Avenue South, Minneapolis, MN 55407

**Addresses of Property:** 3718 Cedar Avenue S

**Project Name:** Laurra Auto

**Contact Person and Phone:** Sulieman Mohammed, Laurra Auto, 3718 Cedar Avenue South, Minneapolis, MN 55407, 612 729-7189

**Planning Staff and Phone:** Jason Wittenberg, (612) 673-2297  
& Michael Cronin

**Date Application Deemed Complete:** April 6, 2006

**End of 60-Day Decision Period:** June 5, 2006

**End of 120-Day Decision Period:** N/A

**Ward:** 9 **Neighborhood Organizations:** Powderhorn Park Neighborhood Association & Standish Ericsson Neighborhood Association

**Existing Zoning:** C2

**Proposed Zoning:** Same

**Zoning Plate Number:** 26

**Lot area:** 23,739 square feet

**Legal Description:** Lots 1 thru 5, block 6 Bidlemans Addn to Mpls  
PIN 02-028-24-44-0230

**Proposed Use:** Minor automotive repair facility in an existing building.

**Concurrent Review:**

- Conditional Use Permit for Automobile repair, minor.
- Site Plan Review, Alternative compliance

**Applicable zoning code provisions:** Chapter 525. Article VII Conditional Use Permits; Chapter 530 Site Plan Review and 530.80. Alternative compliance; Chapter 536. Specific development standards auto repair, minor; Table 541-4 Minimum Parking Space and Aisle Dimensions

**Background:**

In July of 2000 Laurra Auto applied for a license to occupy the 40 ft wide center bay of a warehouse/shop space constructed in 1948 at 3718 Cedar Avenue. See Attachment Four, Building Plan. On November 15, 2000 Suleiman Mohammed applied for site plan review (SP-197) and a conditional use permit (C-210). The process is suspended when as part of the CUP process the Zoning Administrator determines no service uses are allowed in the existing building because there is no functioning parking on the site, and any change from warehouse use would require additional off street parking that would exceed the maximum 20% variance allowance. On December 13, 2000 the buildings owner, Glen Gilbertson, filed an appeal (BZA-0083) of the Zoning Administrator's decision and his appeal is granted. The conditional use permit and site plan process restarted and a site plan review meeting was scheduled for February 7, 2001. This process was never completed, but Laurra Auto began to operate at the site.

During 2002 A-Z Storage vacated the bay to the south of Laurra and Laurra expanded to occupy it, not increasing the number of employees or service bays, but to allow all vehicles to be parked inside. During 2003 Anderson Windows vacated the bay to the north of Laurra, and Laurra occupied that space for an office, parts storage and customer waiting room and more indoor parking. The number of service bays and the number of employees does not change. The portion of the building that Laurra presently occupies is identified on Attachment Four Building Plan. The photos on Attachment Seven Interior of Laurra Auto illustrate the use of the space inside the building.

In February 2005 the City initiated an enforcement action for 3718 Cedar Avenue. Laurra was directed to make a land use application for a conditional use permit and site plan review to complete the process that was never completed in 2001.

In April of 2005 Laurra met with the Economic Development Committee of the Powderhorn Park Neighborhood Association and received their endorsement and that of a nearby resident who attended the meeting.

In May of 2005 staff met with Laurra and the owner to resume the conditional use permit and site plan process suspended in 2001. The conditional use permit process was simplified by the building occupying almost 85% of the site, assuring all repair activity, especially with the required site plan improvements, would be enclosed. This same condition, and the extension of the Cedar Avenue right-of-way 8 ft inside the sidewalk, complicated and prolonged the preparation of a plan for the required site improvements. The owner sought to retain all the present parking they were using along Cedar Avenue, both on the site and in the right-of-way, see the photos in Attachment Six Exterior of

3718 Cedar Avenue. The City's regulations required the parking spaces in the right-of-way be eliminated, the remaining parking on the site be rationalized (including no longer using the sidewalk to reach the parking spaces along E. 37<sup>th</sup> Street), closing a drive on E 37<sup>th</sup> within 20 ft if the intersection with Cedar be closed and additional landscaping be provided at the site.

Staff has received correspondence from the Powderhorn Park Neighborhood Association dated March 24, 2005 confirming their support for granting the Conditional Use Permit. Laurra Auto is scheduled to appear at the May 25, 2006 meeting to confirm the organization's continued support. On April 24, 2006 Laurra met with the Standish Ericsson Neighborhood Association, which also endorsed granting the conditional use permit. The correspondence from the neighborhood organizations is provided in Attachment Two.

### **CONDITIONAL USE PERMIT**

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

The Department of 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.**

Minor automobile repair is conducted at commercial sites throughout the City. The potential for environmental hazards at this site, as opposed to others in the City is reduced by all of the vehicles that are being serviced, and all other vehicles are inside the building. The repair business also provides a productive reuse for an economically obsolete, but by its size, still valuable, building. The project would likely not be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The four corners of the intersection of E. 37<sup>th</sup> and Cedar are commercially zoned, reflecting their commercial use. The commercial zoning on E. 37<sup>th</sup> extends west from Cedar to the alley. The parcel across E. 37<sup>th</sup> from the site is occupied by a convenience store with the building at the alley and its parking lot extending to Cedar. The stated intent of the operator, the large enclosed area available for the use and the limited outdoor space available all assure the repair activities will be conducted out of sight of the neighbors, minimizing the potential for nuisance at this site.

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

No changes to the structure, which occupies 85% of this site, or access points to are proposed. As part of compliance with the site plan review standards the impervious area on the site that is not building will be reduced from over 80% to just under 50% and all of the right-of-way (except the two drives that will remain) along Cedar, now impervious paving, will be landscaped. No increase in demand on public facilities from the present conditions is predicted and runoff from the site (now 97% building or paved area) may be slightly reduced.

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

The Board of Adjustment's action granting the appeal of the owner has been interpreted as waiving the parking requirements for the reuse of the building. The number of now informal parking spaces on the site and in the Cedar Avenue right-of-way, see Attachment Five Proposed Site Plan, will be reduced by the proposed new site plan, but the retained spaces will be standard, properly accessed spaces. All vehicles serviced by Laurra Auto will be stored inside the building. The existing drive of the loading dock on E. 37<sup>th</sup> St. provides off street queuing before the vehicles are received inside the building and provides an off street space for delivery vehicles. The employees, as intended by the Board of Adjustment decision on the appeal, will park in the space off the drive on E 37<sup>th</sup> St. or on the street. The proposed site plan closes a drive on E. 37<sup>th</sup> within 20 ft of the intersection with Cedar removing a potential hazard, and eliminates the automobile travel on the sidewalk along E 37<sup>th</sup> by eliminating those parking spaces, see the E. 37<sup>th</sup> St. photos in Attachment Six.

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

Chapter 4 Marketplaces: Neighborhoods and Chapter 9 City Form identify this site as within the Community Corridor that extends along the length of Cedar Avenue. It is also just north, but separated by multifamily residences, of the Neighborhood Commercial Node at 38<sup>th</sup> and Cedar. The Plan's preferred reuse of this commercial building would be its demolition for new residential development. Given reuse of the building is proposed, this small-scale commercial service enclosed completely by the building assuring residential compatibility is consistent with the Plan. The proposed improvements in the pedestrian environment along both Cedar Ave. and E. 37<sup>th</sup> St. also implement important direction in these chapters.

**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 the applications for a conditional use permit and site plan review were approved, and consistent with the Board of Adjustment decision on required

parking, the proposal would comply with all provisions of the C2 District.

### **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 530.120 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.

This building was designed and constructed beginning in 1948. Subsequent additions that extended the building along Cedar Avenue followed the 1948 design. The design and appearance of the present building represents almost the perfect antithesis of the design and appearance of a building that would result from the application of the building placement and facade standards of Chapter 530 and that would be applied to any newly constructed building on this site. No new building construction, additions, changes to the building footprint, envelope or facade, which would trigger compliance with the building placement and facade standards, is required or proposed by this application.

The proposed improvements reducing and rationalizing the parking along Cedar Ave. and E 37<sup>th</sup> St., and introducing landscaping to the area between the building and the lot line do respond to the third bullet above.

### **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 entrances of the building remain connected via a 4-foot wide concrete walks to the public sidewalk. There are no transit stops shelters adjacent to the site. The proposed site improvements have been designed to minimize conflicts with pedestrian traffic by adding new landscape buffers, eliminating parking in the right-of-way along Cedar and parking reached by driving on the sidewalk along E. 37<sup>th</sup> St. The open area of the site devoted to parking has been significantly reduced and will be buffered from the nearest residential uses located adjacent to the site to the south and across Cedar Ave. There is a public alley adjacent to the site. The alley will continue to not be used for access to the building or site. A drive on E 37<sup>th</sup> St. located within 10 ft of Cedar Ave. will be closed, eliminating a potential pedestrian conflict, and by its location which does not provide 20 ft. of straight curb from the intersection, eliminating a potential traffic hazard. The most southerly of the proposed parking spaces to be retained along Cedar can only be exited via the present southerly drive. A sign will be posted prohibiting entrance to the parking space from Cedar to avoid vehicles having to back across the sidewalk and onto Cedar Ave. As a practical matter, this will be an employee space with the same person using it each day,

Presently, the 23,739 sf site is occupied by a 20,001 sf building (84% of the site) and 3082 sf of paved parking area (13% of the site). The sole pervious area on the site is located along Cedar Ave. at the south edge of the site, a 656 sf lawn area (3% of the site). See Attachment Six Exterior of 3718 Cedar Avenue. Though not part of the site calculations, the lawn area extends over the 8 ft deep “inside boulevard” along Cedar to the sidewalk, making 496 sf of the area between the sidewalk and the building pervious. The remainder of this 1544 sf area right-of-way area along Cedar Ave., off the site but between the building and the sidewalk is paved and used for parking (948 sf).

The proposed site plan will replace 1192 sf of presently impervious parking area on the site with new pervious landscaped area. The plan will also replace 528 sf of impervious parking area between the building and the sidewalk in the Cedar Avenue right-of-way with new pervious landscaped area.

### **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 following table describes the minimum landscaping and screening requirements for this site.

<b>Measure</b>	<b>Required</b>	<b>Proposed</b>	<b>Location</b>
20% of open area on the site be landscaped	748 sf	1192 sf	On site
1 canopy tree / 500 sf of landscaped area 1 tree / 25 ft of parking frontage	6 trees total 2 trees 79 ft = 4 trees	4 Acer Maples	None on site All in ROW
1 shrub / 100 sf	8 shrubs	18 Arborvitae	2 on site 16 in ROW
Parking Screen	(2) hedge / fence	Cedar Ave., 18 Arborvitae  E. 37 <sup>th</sup> Fence	2 Arborvitae on site 16 Arborvitae in ROW  wood fence, not designed

The proposed site plan does meet the 20% requirement. The plan will also replace the paved parking area in the 8 ft wide right-of-way inside the sidewalk along Cedar Ave. and the eliminated driveway on E. 37<sup>th</sup> with landscaping. To meet the screening and minimum planting requirements 18 Arborvitae will be planted adjacent to the retained parking spaces (most in the right-of-way) on Cedar. Plantings in the right-of-way to provide screening is permitted provided an encroachment permit for the plantings is obtained. The 18 shrubs required to meet the minimum landscaping requirement can also serve to meet the screening requirement for the parking area along Cedar. A decorative wooden fence will screen the parking space along E. 37<sup>th</sup> St. The final design of this fence has not been determined. Four new canopy trees would be planted in the boulevard, one on E 37<sup>th</sup> where the drive is removed and three along Cedar. The location and species of any trees planted in the boulevard will be reviewed and approved by Park and Recreation Board staff. The remainder of the site and the parts of the right-of-way identified as “existing bituminous parking lot to be removed”, see Attachment Five Proposed Site Plan, would be planted in grass. An irrigation system will be installed in the new landscaped areas.

The proposed site plan does not meet the parking and loading facilities standard that a landscaped yard at least seven (7) feet wide be provided along the public street, sidewalk or pathway.

Staff recommends two of the proposed canopy trees for Cedar Ave. be relocated onto the site at the corner of Cedar and E. 37<sup>th</sup>, and an ornamental tree species be considered for these plantings. Staff has also found many of the wooden fences installed adjacent to the sidewalk, as proposed on E. 37<sup>th</sup> St., do not meet the intent of the ordinance. After review of the design of this wooden fence, if it is not both decorative and practical, staff may require an alternate type of fence be installed to meet the requirements of this standard.

#### **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.**
- **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.**
- **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 on the site will be defined by landscaping, not concrete curbing, no change in the present illumination of the site is proposed, the front building line screens residential properties, no change the present building is proposed, no significant view is impaired and there are no historic structures on the site.

**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 C2 District.

**Off-Street Parking and Loading:** As a result of the appeal BZZ-0083 Parking and Loading requirements at this site are met by the sites nonconforming rights.

**Maximum Floor Area:** The maximum FAR in the C2 District is 1.7. The lot in question is 23,739 square feet in area. The present building, which is not being altered, has 20,001 square feet of gross floor area, an FAR of 0.84.

**Building Height:** Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less.

**Minimum Lot Area:** There is neither present or proposed residential use of the site.

**Yard Requirements:**

No change to the present footprint of the building is proposed.

**Specific Development Standards:**

The following specific development standards have been established for uses identified as Automobile repair, minor:

- (1) All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) In the C1, C2 and C3S Districts, all service vehicles associated with the

establishment shall be parked or stored in an enclosed structure after business hours.

(6) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

(7) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

(8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

The operator and property owner, as part of their application, see Attachment One Applicant's Statement, have specifically recognized these requirements and provided their commitment to remain in compliance with them. Staff finds the building and space allocated to the proposed use is adequate to allow compliance with these conditions

**Hours of Operation:** In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6 a.m. to 10 p.m.; Friday and Saturday from 6 a.m. to 11 p.m.

**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. The applicant proposes no new signs at the site

**Refuse storage:** Refuse will be stored inside the building

#### **MINNEAPOLIS PLAN:**

See the discussion of the Plan in finding 5 of the Conditional Use Permit Discussion

**Alternative Compliance. The Planning Commission or zoning administrator 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.**

Strict adherence to the requirements for building placement and design and the minimum number of trees is impractical because of the location and extent (85% of the site area) of the present building on the site and the condition of the extension of the right-of-way inside the sidewalk along Cedar Avenue. Staff finds the proposed alternative with the additional conditions proposed by the staff is consistent with the development objectives adopted by the city council and meets the intent of this chapter.

Staff also recommends that recognizing the length of the process to develop a complying site plan, all of the proposed site improvements be installed during this year's planting/construction season

#### **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 for a minor automotive repair facility in a designated part of the existing building located at 3718 Cedar Avenue.

##### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the alternative compliance 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** a site plan review application for 3718 Cedar Avenue, subject to the following conditions:

1. No fewer than two (2) ornamental trees shall be located on the site.
2. All of the areas of the Cedar Avenue right-of-way identified as “existing bituminous parking lot to be removed” and the drive to be removed be sodded or otherwise landscaped.
3. The detail of the fence proposed to screen the retained parking space along E. 37<sup>th</sup> St. be submitted to staff for approval prior to installation.
4. The wording on the two-sided sign at the southerly drive on Cedar is changed to a single sided sign, facing Cedar Avenue with the text “Exit Only, Do Not Enter”.
5. CPED Planning staff review of the final site and landscaping plans.
6. All site improvements shall be completed by September 1, 2006, unless extended by the zoning administrator, or the permit may be revoked for noncompliance.

**Attachments:**

1. Statement of use and description of the activity from the applicant
2. Correspondence from the Powderhorn Park and Standish Ericsson Neighborhood Associations
3. Zoning map
4. Present site and building Plan of 3718 Cedar Avenue
5. Proposed site and landscape plan
6. Photos of the exterior of 3718 Cedar Avenue
8. Photos of the interior of Laurra Auto