

CPED Planning Division Report

**Zoning Amendment (Rezoning), Conditional Use Permits, Variances, Site Plan Review
Vacation of Public Right of Way, Minor Subdivision**

**BZZ – 1550
Vacation – 1429
Minor Subdivision – 110**

Date: March 22, 2004

Date Application Deemed Complete: February 11, 2004

End of 60 Day Decision Period: April 11, 2004

End of 120 Day Decision Period: On March 15, 2004, Planning staff sent the applicant a letter extending the decision period to no later than June 10, 2004

Applicant: Derek Knight, Project Manager, Marathon Ashland Petroleum LLC

Address Of Property: 4306, 4308, & 4320 E. Lake St.

Contact Person And Phone: Michael Cronin, 952-941-7487

Planning Staff And Phone: Jason Wittenberg, 673-2297

Ward: 9 Neighborhood Organization: Longfellow Community Council

Existing Zoning: C1

Proposed Zoning: C2

Zoning Plate Number: 28

Proposed Legal Description of Property Proposed for Rezoning: Lots 15, 16 and 17, Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS, according to the plat thereof, Hennepin County, Minnesota, subject to the rights of the public in and to that portion of said Lot 15 which has been taken by the City of Minneapolis for street purposes, according to the plat thereof on file and of record in the office of the County Recorder within and for Hennepin County, Minnesota.

And

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The East 1/3 of Lots 12, 13 and 14, Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS (Torrens)

And

That part of the alley in Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS, lying south of the easterly extension of the south line of the North 14 feet of Lot 12 in said Block 3, and lying north of the easterly extension of the north line of the South 10 feet of Lot 14 in said Block 3, according to the recorded plat thereof, Hennepin County, Minnesota.

And

That part of Lots 12, 13 and 14, Block 3, DORMAN'S FIRST ADDITION TO MINNEAPOLIS, according to the recorded plat thereof, Hennepin County, Minnesota, lying west of the East 1/3 of said Lots 12, 13 and 14, and lying east of the West 68.14 feet of said lots 12, 13 and 14.

Project Name: SuperAmerica

Proposed Use: Automobile Convenience Facility

Development Plan: A development plan is attached

Conditional Use Permits:

- Required for an automobile convenience facility in the C2 District as indicated in Table 548-1 of the zoning code.
- A conditional use permit to extend the maximum hours open to the public to allow 24-hour-per-day operation.

Site Plan Review: Site plan review is required for automobile convenience facilities as indicated in Table 530-1 of the zoning code.

Variances:

- Variance to increase the maximum permitted sign area on the pump island canopy to allow 53 square feet of sign area on each side that faces a street rather than 25 square feet of sign area on each side that faces a street.
- Variance to eliminate the minimum vehicle stacking space requirement at the end of the pump islands.
- Variance to increase the maximum height of a fence along the north lot line from six feet to eight feet.
- Variance to reduce the required front yard along 44th Avenue to allow a portion of the vehicle maneuvering area in the setback area.

Zoning Code Section Authorizing Proposed Variances: 525.520 (1), (5), (6), (21)

Previous Actions: N/A

Concurrent Review: Zoning Amendment (Rezoning), Conditional Use Permits, Variances, Site Plan Review Vacation of Public Right of Way, Minor Subdivision as noted above.

Responses from Utilities and Affected Property Owners to the Proposed Vacation: A notice was sent to utilities, transportation organizations, and the City's Public Works Department divisions on February 6, 2004. Xcel Energy and Qwest have requested easements for existing or rerouted facilities. As of 3/12/04, staff has not received a recommendation from the Public Works Department regarding the proposed alley vacation.

Background: The applicant proposes to reconstruct the automobile convenience facility located at 4320 East Lake Street. The existing convenience facility was constructed in the 1960s. The applicant proposes to consolidate two SA facilities located within several blocks of one another. The facility at 3904 East Lake Street would be closed. The land area on which the facility at 4320 is sited would be expanded by vacating a portion of the public alley and by acquiring two parcels located west of the current public alley. A new alley easement would be established to connect the existing public alley to 43rd Avenue South, avoiding creation of a dead end alley. In addition to crossing the applicant's parcel, the proposed alley easement would cross the parcel located at 4300 East Lake Street.

The proposed convenience store, which would be constructed up to the Lake Street right of way, would have between 3,800 and 3,900 square feet of floor area. The applicant proposes eight fueling points; two more than the existing facility.

Among the requested applications, the applicant requests a conditional use permit to allow the facility to remain open to the public 24 hours per day. The City has no record of extended hours of operation having been previously approved.

On February 19, 2004, the Longfellow Community Council board of directors reviewed the project proposal by SA and approved the project by a 7-4 vote. Information from LCC is attached. Previously, in August of 2003, LCC held a meeting where community members voted not to support the project by a vote of 60 to 58.

Findings Required By The Minneapolis Zoning Code for the Rezoning Application:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

While the Minneapolis Plan offers mixed guidance related to the rezoning request, staff believes that, on the balance, the rezoning is consistent with the plan. The rezoning is made particularly compelling by the opportunity to combine two automobile convenience facilities on the Community Corridor into one facility, which has been identified by the community as a top priority. Lake Street, between 36th Avenue South and the Mississippi River, is designated as a Community Corridor. Community Corridors are characterized by the following features.

- Streets connect more than 2 neighborhoods

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- Corridors have a land use pattern that is primarily residential with intermittent commercial uses clustered at intersections in a pattern of nodes.
- Streets are generally minor arterials by the City's street classification system, with some exceptions.
- Streets carry a range of traffic volumes, a minimum of 4,000 average annual daily traffic (AADT) up to 15,000 AADT and greater.
- Streets carry a heavy volume of traffic but are not necessarily the principal travel routes for a specific part of the city.
- Corridors do not support automobile oriented shopping centers.
- Corridor land use and building form exhibit traditional commercial and residential form and massing. (See discussion of traditional urban form in Chapter 9.)
- Commercial uses on community corridors are generally small scale retail sales and services serving the immediate neighborhood.

This section of East Lake Street is also designated as a Major Housing Site.

Planning staff has identified the following goals and policies of the Minneapolis Plan as being relevant to the request to rezone the property from C1 to C2.

Relevant policy: **4.2** Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on the streets.

Relevant Implementation Steps:

- Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate.
- Support the continued presence of small scale retail sales and commercial services along Community Corridors.
- Ensure that commercial uses do not negatively impact nearby residential areas.

Staff comment: This policy offers mixed guidance related to the rezoning request. The C2 District allows uses that are less compatible with residential uses than the C1 District. However, the proposed use would not convert existing residential property to a commercial use and involves reconstruction of an existing facility. The East Lake Street Community Corridor is a much more significant traffic artery than many of the City's other Community Corridors (e.g., 38th Street) and there are a wide range of commercial uses on this Community Corridor. While the size of the convenience component would increase significantly, the commercial use would still be considered relatively small in scale.

Relevant Policy: **4.4** Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse

of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Relevant Implementation Steps:

- Provide a range of commercial districts that provide the services required by the residents and businesses.
- Encourage the economic vitality of the city’s commercial districts while maintaining compatibility with the surrounding areas.

Staff comment: The two existing SA stores are the only automobile convenience facilities east of Hiawatha Avenue on East Lake Street. Combining the two facilities into one was identified as a community priority. The use would arguably provide a service that is needed by the vast majority of people in the community.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The zoning change is in the public interest insofar as it would allow Speedway SuperAmerica LLC to consolidate two facilities that are substandard in terms of parking and maneuvering and that are not consistent with existing city policies related to urban form. The East Lake Street Corridor Study, facilitated by the Longfellow Community Council in the 1990s, states that, “(t)he Task Force has placed a high priority on the consolidation of their (SA’s) two existing locations into one, high quality urban store.”

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The portion of East Lake Street that is designated as a Community Corridor includes a similar amount of land area with C1 and C2 zoning. There are also four parcels on this segment of East Lake Street with C4 zoning. C2 and C4 zoning are located within close proximity of the site in question. There are residential dwellings bordering the site to the north of the property and there is a residential dwelling across Lake Street (4311). Commercial nearest to the site include two restaurants, a rug laundry establishment, motorcycle sales, a Dairy Queen restaurant, offices, a retail music store, and a medical clinic.

The purpose of the C2 District—the proposed zoning district—is indicated in section 548.260 of the zoning code, as follows:

548.260. Purpose. The C2 Neighborhood Corridor Commercial District is established to provide an environment of retail sales and commercial services that are larger in scale than allowed in the C1 District and to allow a broader range of automobile related uses. In addition to commercial uses, residential uses,

institutional and public uses, parking facilities, limited production and processing and public services and utilities are allowed.

The proposed C2 District, while not as compatible with adjacent residential uses as the C1 District, is generally compatible with the existing pattern of zoning on East Lake Street and the existing uses in the area.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses for the property under the existing C1 district. The property in question could accommodate, for example, a variety of residential and commercial uses. Automobile convenience facilities existing on the effective date of the zoning ordinance are a conditional use, so the existing use could continue to operate as a conditional use. However, the existing facility is substandard in terms of vehicle maneuvering and does not meet objectives related to the urban form policies of the Minneapolis Plan.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

The most significant recent redevelopment in the vicinity is a mixed use development currently under construction on East Lake Street between 46th Avenue South and West River Parkway. As part of the applicant's proposal, a SuperAmerica automobile convenience facility located at 3904 East Lake Street, several blocks west of the site in question, would be closed. While no particular trend leads to the conclusion that the existing C1 District is inappropriate, the rezoning would facilitate consolidation of two automobile convenience facilities into one facility, which would likely be beneficial to the redevelopment of East Lake Street. As noted above, the East Lake Street Corridor Study, facilitated by the Longfellow Community Council, places a high priority on consolidation of the two SuperAmerica stores as part of the overall development plan for East Lake Street.

Findings Required By The Minneapolis Zoning Code for a Conditional Use Permit for the Proposed Automobile Convenience Facility:

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.

While automobile convenience facilities have unique impacts, detrimental aspects of the use can be addressed through specific development standards and conditions of approval addressing

issues such as litter, lighting, and noise. While the fuel tanks have been moved a greater distance from the adjacent residential district than in the original submittal, staff encourages the applicant to locate the fuel tanks as far as possible from the residential use. Best practices must be used regarding vapor recovery. The convenience facility should not be detrimental to or endanger the public health, safety and 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.

As noted above, automobile convenience facilities have historically imposed significant impacts related to noise, excessive light, litter, and traffic generation. The zoning ordinance adopted in 1999 features extensive mitigation measures, particularly through the Specific Development Standards chapter. The most affected property owners are likely those residential property owners immediately to the north of the site. The applicant proposes to place the maneuvering area 13 feet from the north property line (where a minimum of five feet is required). The refuse enclosure would be placed five feet from the north lot line and near the public alley. While the change in building placement is likely to increase light and noise impacts somewhat on neighboring properties to the north compared to the existing situation, the applicant has designed the site in a manner that would not be injurious and would not impede normal and orderly development of the area for uses that are permitted in adjacent districts provided the project complies with all conditions of approval and all Specific Development Standards for automobile convenience facilities.

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. The applicant's drainage plan will be reviewed by the Public Works Department. Note that Lake Street will be reconstructed within the next several years.

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

The site is located on a heavily traveled street that acts as a principal connection between Minneapolis and St. Paul and a principal route through the Longfellow community. This section of the street carries approximately 15,300 vehicles per day. While the number of vehicles coming to the site would likely increase significantly, the facilities contribution to the overall traffic count on East Lake Street would continue to be minor. The greatest concern may be ensuring that disruption is minimized on the adjacent residential neighborhood by discouraging non-resident traffic from venturing off of Lake Street. A "Left Turn Only" sign shall be installed near the 44th Avenue exit from the site. The Public Works Department should consider the feasibility of installing speed bumps on 44th Avenue South in order to both discourage traffic on the street and slow those vehicles down that do enter the street. The project would comply with the minimum number of required off-street parking spaces. The number of curb cuts would be reduced compared to the existing site condition. The applicant should install bicycle parking

to encourage bicycle travel among employees and convenience store patrons. Existing access to the public alley would be removed, reducing non-resident use of the alley.

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

In general community corridors support medium density residential and limited commercial use which is measured against its impacts on residential character. However, an automobile convenience facility exists on the site currently and the proposal represents an opportunity to consolidate two existing convenience facilities located on the Community Corridor, reducing the overall number of fuel pumps in the process. Staff believes that allowing the reconstruction of the facility to meet more of the City's requirements related to urban design and site design is consistent with the Minneapolis Plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit, the rezoning request, relevant variances, and site plan review.

If all land use/zoning applications are approved, the proposal will comply with all provisions of the C2 District.

Findings Required By The Minneapolis Zoning Code for a Conditional Use Permit to Extend the Maximum Hours Open to the Public:

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.

The existing facility operates 24-hours per day. The City has no record that the extended hours were ever legally established. While 24-hour per day operation may not be detrimental to public health, safety, or general welfare, the comfortable use of adjacent residential uses would be negatively affected due to around-the-clock noise and traffic associated with the particular use.

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.

Authorizing all evening use of the convenience facility would subject the nearby residential uses to substantially more noise and traffic than would be found under authorized hours of operation.

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

Necessary facilities would be provided and would not be affected by 24-hour operation.

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

If 24-hour operation is approved, a “No Left Turn” sign could help to mitigate the impact on nearby residential properties.

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

Staff does not believe that 24-hour operation of the facility, particularly since it shares a lot line with a residential use, would be consistent with the comprehensive plan.

Relevant Policy: **9.15** Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Relevant Implementation Steps:

- Mitigate, through screening and buffering, limiting the size and scale of a building, and a business’ hours of operation, the effects of commercial properties on residential uses.

Staff comment: Automobile convenience facilities have unique impacts that can prove particularly intrusive during late night hours.

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, conditional use permit, relevant variances, and site plan review.

With the granting of all other related land use applications, the use would be fully conforming in the C2 District.

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.

Residential uses border the site on one side—the north side.

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

Automobile convenience facilities generate a substantial amount of noise (e.g., vehicles, speaker boxes), light (e.g., canopy lighting), and traffic compared to other uses allowed in the C1 and C2 Districts.

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

The proposed use is conditional in the C2 District. The applicant requests a variance to allow a maneuvering area encroach into the required front yard setback along 44th Avenue. The project would comply with the maximum floor area and the Specific Development Standards.

(4) History of complaints related to the use.

Staff is not aware of complaints specifically related to 24-hour operation of the site. According to community representatives, the issue of late night hours was not a major point of discussion or debate during the community meetings about the project.

Findings Required by the Minneapolis Zoning Code for the Proposed Variances:

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

Variance of to increase canopy sign area: Staff has not identified a unique factor associated with the property that would render the canopy sign regulations impractical or infeasible.

Variance to eliminate vehicle stacking: The applicant proposes to vary the requirement of a vehicle stacking space at each end of each pump island. Complying with the stacking space requirement would require a significantly larger site and would essentially prevent reconstruction of the automobile convenience facility. The lack of on-site maneuvering area was exacerbated by the acquisition of the south 10-feet of the property for Lake Street right of way. In addition, the applicant initially sought to acquire additional property on the block, which could have allowed compliance with the stacking requirement. This alternative was not favored by the community.

Variance to increase maximum fence height.: While the applicant's property could be put to reasonable use without the proposed fence height increase, the use and enjoyment of the residential property to the north could be diminished if not for a substantial barrier between the pump islands and the neighboring residential property to the north.

Variance of front yard setback along 44th Ave.: As previously noted, the size of the site is constrained by the community's desire to avoid expansion of the facility onto 4300 East Lake Street and by the public acquisition of the south 10 feet of the property for Lake Street right of way. This constrains the ability to comply with the front yard setback that carries over from residence district to the north.

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.

Variance of to increase canopy sign area: The variance request appears to be based largely on the company's policy related to signage on fuel pump canopies.

Variance to eliminate vehicle stacking: The particular size and shape of the property, and the fact that 10 feet of the property was acquired for public use, are unique factors that are not generally applicable.

Variance to increase maximum fence height.: While the potential need for a taller fence largely results from the proposed reconstruction, the adjacency of commercial and residential uses in this location was not created by the applicant.

Variance of front yard setback along 44th Ave.: The particular size and shape of the property, and the fact that 10 feet of the property was acquired for public use, are unique factors that are not generally applicable to other properties.

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.

Variance of to increase canopy sign area: Staff does not believe that granting the variance would be in keeping with the spirit and intent of the regulation in question. The ordinance has a practical limitation on the amount of canopy sign area in order to limit the extent to which the canopy—intended to serve a functional purpose—contributes to visual clutter.

Variance to eliminate vehicle stacking: The intent of the regulation is to allow efficient maneuvering on the site by ensuring that, when vehicles wait for fuel pumps currently in use, other vehicles are able to maneuver on the site. The applicant's proposal complies with the intent of the ordinance by ensuring that drive aisles would be provided on both the north and south ends of the pumps as well as allowing space between the pumps for a drive aisle between refueling vehicles. Vehicles could therefore maneuver through the site when all fueling stations are in use.

Variance to increase maximum fence height.: The requested variance recognizes the unique impacts associated with automobile convenience facilities and responds to the wishes of the residential neighbor to the north. The taller fence would likely meet the intent of the ordinance in this situation by providing extra protection from light and noise.

Variance of front yard setback along 44th Ave.: The applicant proposes to preserve mature trees in the front yard setback area and provide a greater north side yard than is required by the zoning code. These mitigating factors, combined with the fact that the area of the proposed variance is for a relatively small triangular piece of property, meet the intent of the ordinance. However, the applicant proposes to locate the proposed air service in the front yard setback. This would be visually intrusive and disruptive to the nearby residence. The air service is not a permitted obstruction in the required yard.

- 4. The proposed variance will 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.**

Variance of to increase canopy sign area: Granting the variance, while creating additional sign/visual clutter, would not affect street congestion, the danger of fire, or public welfare or safety.

Variance to eliminate vehicle stacking: The applicant proposes to provide drive aisles that would allow vehicles to maneuver through the site while all fueling stations are in use. Thus, granting the variance is not expected to cause vehicle stacking to extend into the public street.

Variance to increase maximum fence height.: Allowing a fence height increase of two feet outside the required front yard is not likely to affect public safety or welfare. While visibility to and from the site would be restricted from the neighboring property to the north, the increased height would not pose a traffic hazard since the height increase is not located in a required front yard.

Variance of front yard setback along 44th Ave.: Allowing a relatively small portion of the maneuvering area to be located in the front yard setback would not compromise public health or safety and would contribute to more efficient maneuvering on the site.

Additional Criteria for the Variance/Sign Adjustment to Increase the Maximum Canopy Sign Area:

- 1) The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.**

Granting a variance to more than double the amount of permitted sign area on the canopy would increase sign clutter on the site. While the site would be below their permitted sign area on the east side of the building, “transferring” this sign area to the canopy would place the sign area higher and closer to the street and neighboring properties.

- 2) The sign adjustment will allow a sign of exceptional design or style that will enhance the area or that is more consistent with the architecture and design of the site.**

The applicant proposes to spell out SuperAmerica in individual neon letters. This would be an exceptional design relative to typical convenience facility canopy signs.

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.
- In larger buildings, architectural elements shall be emphasized.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.
- Entrances and windows:
 - Residential uses shall be subject to section 530.110 (b) (1).
 - Nonresidential uses shall be subject to section 530.110 (b) (2).
- Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

The building would contribute to the traditional street wall along Lake Street. However, placement of the building at the interior of the block (rather than up to the corner of 44th and Lake) is not ideal in terms of natural surveillance or pedestrian access and circulation.

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The building would be constructed up to the lot line along the Lake Street right of way. However, the applicant proposes to position the building so that it is not located within eight feet of the front lot line along 44th Avenue. Staff recommends that the Commission grant alternative compliance to allow the proposed building placement due to the combination of the following factors: the particular size of the facility, which results from consolidation of two existing facilities, and the particular size and shape of the lot in question would create a challenging circulation pattern on the site. Further, there is an existing front yard setback that carries over from the residential parcel on 44th Avenue. Placement of the building at the corner could result in intrusion into this required front yard and would result in removal of mature trees for maneuvering area. Neighboring residents have emphasized the importance of retaining existing mature trees. The fact that 10 feet of right of way was acquired from the south end of the property has contributed to this situation. While none of these factors alone would cause staff to recommend approval of the proposed building placement, the combination of these factors creates a unique situation that is not generally applicable to other commercial properties. Staff's support of the proposed building placement is also based on creating more of a presence at the corner of the property through additional use of brick at the base of the sign as well as in the proposed fence. The base of the sign and the proposed fence should be integrated to "anchor" the corner of 44th and Lake. Staff recommends that the applicant work with staff to explore the potential of extending the canopy to the Lake Street right of way and creating brick pillars that extend up to the canopy, creating an additional presence and sense of enclosure along Lake Street. Also, the location of the proposed building leaves a lack of a direct pedestrian connection from 44th Avenue to the store. The applicant should strongly consider a continuous walkway near the north end of the property that would connect the public sidewalk to the walkway on the east side of the building.

In terms of creating amenities between the building and the public sidewalk, the applicant has not yet designed amenities for this area due to the fact that use of this area could be determined through the current discussion about reconstruction of Lake Street. However, it is anticipated that this portion of Lake Street will not be reconstructed until 2006 or 2007. Thus, the right of way adjacent to the SA store should incorporate amenities of higher value than sod. Following reconstruction, SA must work with staff to incorporate long term improvements.

The building would have a principal entrance facing Lake Street in addition to the entrance facing east toward the fuel pumps.

Accessory parking would be located to the side of the building.

The building façade would include a significant number of windows and architectural detail. The building would be brick on all sides, including soldier coursed brick and decorative elements along the otherwise blank portion of the Lake Street façade.

All sides of the building would be brick. The applicant has indicated that the brick would closely match the brick used on the new mixed use development currently under construction two blocks to the east of the site. While staff believes that a building with a flat roof would be more consistent with the traditional character of the city's commercial districts, the applicant proposes a hipped roof with shakes. With the exception of brick at the base of the canopy pillars, there is currently little architectural relationship proposed between the building and the canopy. Staff recommends that the Commission

require that the canopy fascia match the materials used on the roof of the principal structure. Because the building would not be placed in a more prominent position at the corner of the site, staff recommends,

Plain face concrete block would not be used as a primary exterior building material.

The principal residential entrances to the building would be emphasized with architectural features.

The south and east elevations must include at least 30 percent window area between two and 10 feet above grade. The proposed elevations include approximately 36 percent window area along Lake Street and 51 percent window area on the east elevation. The windows are not distributed evenly. Staff encourages the applicant to explore the opportunity for additional window area along Lake Street (into the break room).

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.**

Conformance with above requirements:

A walkway would connect the public sidewalk along Lake Street to the south-facing entrance. The width of this walkway should be increased substantially in order to avoid excessive compaction of the sod due to people cutting across the lawn. As required, a walkway would connect the parking spaces to the east facing entrance. However, the plan shows obstructions (e.g., pillars and ice machines) that leave less than four feet of walkway. Further, there does not appear to be a barrier of any kind that would prevent vehicles from encroaching into the walkway. This situation must be changed to include a protected and continuous four-foot-wide walkway. The applicant is also encouraged to incorporate a walkway connecting 44th Avenue to the walkway along the east side of the building. Note, however, that this would reduce the amount of landscaped area on the site.

The applicant is not proposing a transit shelter on the site. Metro Transit busses do not stop adjacent to the site and instead stop in front of the restaurant on the block.

The number of curb cuts serving the site from adjacent streets would be reduced from three to two, reducing pedestrian-vehicle conflicts somewhat. The applicant is encouraged to reduce the width of the curb cuts to the extent possible while still allowing for adequate maneuvering area for delivery vehicles. Proposed curb cuts are 35-feet in width. This width is only allowed with approval of the Public Works

Department. Steps should be taken to minimize the impact that expected traffic increases would have on the adjacent residential area. A “No Left Turn” sign shall be installed near the exit onto 44th Avenue in order to reduce the number of non-residents turning into the residential neighborhood.

The existing facility has access to the public alley, which results in excessive non-resident traffic in the alley. The applicant has requested that the City vacate the southern portion of the public alley subject to creation of a new alley easement connecting to 43rd Avenue. Access to the public alley from the site would be closed.

Excess snow would be removed from the site.

The applicant’s site plan minimizes impervious surfaces to the extent practical while allowing for required walkways and adequate vehicle maneuvering areas.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
 - **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. 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.**

Conformance with above requirements:

The lot would have approximately 21,076 square feet of area. The proposed building would cover 3,956 square feet, leaving a net site area of 17,120 square feet. At least 20 percent of the net site area, or 3,424 square feet, must be landscaped as required by Chapter 530. The applicant's preliminary landscape plan, according to staff calculation, would include approximately 2,650 square feet of on-site landscaping, or approximately 15.5 percent of the net site area. With landscaping added in the right of way between the south property line and the public sidewalk, an additional 2,000-plus square feet would be landscaped. If this were included in the calculation, the applicant would exceed 20 percent landscaping. Staff recommends that the Commission grant alternative compliance to allow landscaping on less than 20 percent of the net site given that the adjacent right of way would be landscaped and the applicant will provide a brick and wrought-iron style fence surrounding the parking lot. Based on the net site area, no fewer than four canopy trees and 17 shrubs are required on the site provided that the applicant shall also comply with the required number of trees and shrubs in required landscaped yards specified in section 530.150 (b) of the zoning code and that one canopy tree shall be planted along the perimeter of the parking/maneuvering at a rate of one tree for every 25 linear feet of frontage. Staff would accept these plantings in the public right of way (subject to approval by Public Works and, for trees, Park Board staff).

Landscaped yards not less than five feet in width, and required screening, are required between the parking/maneuvering area and the public sidewalks and between the parking/maneuvering area and the adjacent residence district. While staff recommends approval of the proposed widths of the landscaped yards, the applicant's landscaping plan must be revised to reflect the materials called for in Chapter 530, including more canopy trees and shrubs and less reliance on Black Hills Spruce. The Black Hills Spruce, according to the City's landscape architect, will get too large in diameter for the area in question and would require replacement. Staff recommends that the Commission accept landscaped yards less than five feet width on the site (along the south lot line and adjacent to the public alley) provided that the applicant includes brick and wrought iron-style fencing along the south and east lot lines and that landscaping is incorporated in the public right of way.

An eight-foot-high screening fence is proposed along the north lot line (except in the 20-foot front yard setback along 44th Avenue. The brick and wrought iron-style fence would range from three to three-and-a-half feet in height along the public streets and along the north lot line up to the front yard setback.

The opacity of the screening along the public streets must be increased. Staff is requesting that the brick component of the fence shall be increased to 25 percent.

The applicant proposes concrete curbing around the parking/maneuvering area lot but is encouraged to explore opportunities for some on-site filtration of storm water. Further, the applicant is strongly encouraged to have the site thoroughly swept at least two times per year to improve the quality of the stormwater emanating from the site.

All areas not covered by parking, vehicle maneuvering, walkways or plazas would be landscaped or covered with turf.

Landscaping must be properly installed and maintained.

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.**

Conformance with above requirements:

Lighting must comply with Chapter 535 of the zoning code, noted below. The parking lot must be adequately lighted.

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 arranged so as not to 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 source.

- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

The Specific Development Standards for automobile convenience facilities also require that, “Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.” Staff questions the need for a freestanding light north of the service canopy. Because of the intensity of light that the City has found in conjunction with automobile convenience facilities, staff recommends that the Commission require a lighting study verifying compliance with the City’s lighting standards, particularly the footcandle requirement at the adjacent residential property line.

The effects of headlight glare on residential properties would be largely minimized through the proposed screening.

It does not appear that views of significant buildings or natural features would be blocked by the development.

Shadowing of the adjacent properties would not be significant. The most affected residential property owner has requested an eight-foot-high fence along their south lot line, which will create shadowing.

Wind currents would not be a major concern.

From a crime prevention standpoint, the applicant should indicate how the parking lot and all walkways will be lighted and should substantially reduce the proposed number of Spruce trees that would hinder natural surveillance between three and six feet above grade.

The site does not include historically designated structures and is not located within a designated historic district. Note that the alley that is proposed for vacation includes a brick apron that would be removed. Planning division staff has worked to minimize loss of historically brick streets and alleys. The applicant is encouraged to consider alternative ways in which the brick to be removed from the alley could be incorporated into the site.

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

ZONING CODE: The applicant proposes to rezone the site from the C1 District to the C2 District.

Parking and Loading: If a bicycle rack is incorporated on the site, nine off-street parking spaces are required on the site. Nine off-street parking spaces are proposed.

Signs: The applicant proposes wall signs facing the south and the east. A freestanding sign is proposed at the southeast corner of the lot. The applicant requests a variance to increase the permitted amount of canopy signage. Note that auxiliary signs (e.g., Pay at the Pump) are limited to four square feet in area.

Minimum Lot Area per Dwelling Unit and Maximum Floor Area: The minimum lot area for an automobile convenience facility is 12,000 square feet. The lot would have approximately 21,076 square feet of area. The building would be well under the maximum F.A.R. in the C2 District.

Height: Building height in the C2 District is four stories or 56 feet, whichever is less. The proposed building would be approximately 19 feet in height at the midpoint of the roof (i.e., the average height).

Yard Requirements: The following setbacks must be provided:

Front (along 44th Ave. S.): 20 feet for the first 40 feet from the residence district to the north.

Corner side yard (along Lake St.): No required setback

Interior side (along the north): 5 feet

Rear (along 4300 E. Lake St.): No required setback

The applicant has requested a variance along 44th Avenue to allow a portion of the on-site maneuvering area. The air service machine may not be located in a required yard.

Specific Development Standards: Automobile convenience facilities are subject to the following Specific Development Standards of section 536.20 of the zoning code:

Automobile convenience facility.

(1) The sale or repair of vehicles shall be prohibited.

(2) 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.

(3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.

(4) 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.

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

Hours of Operation: Non-residential uses in the C2 District are limited to the following hours open to the public:

Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.

Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

The applicant requests a conditional use permit to operate the facility 24 hours per day. While the store currently operates 24 hours daily, the City has no record that these extended hours have been legally established.

Dumpster screening: The proposed refuse storage enclosure would be located near the north end of the parking lot. It would match the building and it must be located at least five feet from the north lot line adjacent to the residential use.

MINNEAPOLIS PLAN: In addition to the policies noted above in the rezoning and conditional use permit analysis above, the staff has identified the following relevant provisions of the comprehensive plan:

Relevant Policy: 9.11. Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Relevant Implementation Steps:

- Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors.
- Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

Staff comment: The proposal meets the above objectives. Ideally, however, the building could be placed at the corner to further reinforce traditional urban form.

Relevant Policy: 9.15. Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Relevant Implementation Steps:

- Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.
- Require screening and buffering for new developments next to residential areas.
- Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods.
- Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

Staff comment: A significant transition area would be provided at the north end of the site (although the fuel tanks are would ideally be located farther from the residential use). Buffering and screening would be provided. Staff is requesting a detailed lighting diagram to verify conformance with the requirements of the zoning code.

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

Staff is unaware of a conflict between the proposed plan and any other plan or development objective adopted by the City Council. Note that the East Lake Corridor Study has never been adopted by the City Council.

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.**
- Staff recommends that the Commission grant alternative compliance to allow the building to be located more than eight feet from the front lot line along 44th Avenue. The reasons for this recommendation are discussed within the report above and are subject to the applicant working with staff to create an additional masonry presence at the corner of 44th and Lake through treatment of the fence and the base of the sign.
- Staff recommends that the Commission allow landscaping on less than 20 percent of the net site area provided that additional landscaping shall be incorporated in the public right of way and a brick and wrought iron-style fence shall be installed between the parking/maneuvering area and the public streets.
- Staff recommends that the Commission allow some of the on-site landscaped yards to be less than five feet in width provided the applicant includes the proposed brick and wrought iron-style fencing and that additional landscaping is provided in the public right of way (bringing the overall width of the landscaped yards to more than five feet).

Findings for the Proposed Vacation of Alley Right of Way: The applicant proposes to vacate the southern segment of the alley; the north 96 feet of the south 106 feet of the public alley (accounting for the fact that the south 10 feet of the alley was previously acquired for Lake Street right of way and should not be included in the vacation). - A notice was sent to utilities, transportation organizations, and the City’s Public Works Department divisions on February 6, 2004. Xcel Energy and Qwest have requested easements for existing or rerouted facilities. As of 3/12/04, staff has not received a recommendation from the Public Works Department regarding whether the alley segment in question is needed for a public purpose if an alley easement avoids creation of a dead end alley.

Required Findings for the Minor Subdivision:

1 Subdivision is in conformance with the land subdivision regulations including the requirements of section 598.100 relating to protection of natural resources, applicable regulations of the Zoning Code, and policies of the Comprehensive Plan.

The subdivision is in conformance with the design requirements of the zoning code and the land subdivision regulations. There is no conflict between the proposed subdivision and the zoning code or comprehensive plan. The automobile convenience facility would have the minimum 12,000 square feet of lot area.

2. Subdivision will not be injurious to the use and enjoyment of other property in the immediate vicinity, nor be detrimental to present and potential surrounding land uses, nor add substantially to congestion in the public streets.

The subdivision would extend an existing property line all the way to the north side of the property in question and would thus “straighten” a lot line and would not be detrimental to the surrounding land uses and would have no affect on street congestion.

3. All land intended for building sites can be used safely without endangering the residents or uses of the subdivision and the surrounding area by peril from floods, erosion, high water table, severe soil conditions, improper drainage, steep slopes, utility easements, rock formations, or other hazard.

The site is level and does not present the above noted hazards.

4. The lot arrangement is such that there will be no foreseeable difficulties, for reasons of topography or other conditions, in securing building permits and in providing driveway access to buildings on such lots from an approved street. Each lot created through subdivision is suitable in its natural state for the proposed use with minimal alteration.

Even if the alley vacation and SA project are not ultimately approved, the subdivision would not create difficulties related to development of the parcels in question. When filing the minor subdivision with Hennepin County, two parcels should be legally described; one for the parcel at 4300 E. Lake Street and the other for the SA parcel. As shown on the minor subdivision, the applicant would create

5. The subdivision makes adequate provision for storm or surface water runoff, and temporary and permanent erosion control. The storm water drainage system shall be separate and independent of any sanitary sewer system. All plans shall be designed in accordance with rules, regulations and standards of the city engineer. Facilities intended to be dedicated to the City shall be located in perpetual, unobstructed easements of a width determined to be adequate and necessary by the city engineer. To the extent practicable, the amount of stormwater runoff from the site after development does not exceed the amount occurring prior to development.

As part of the development applications on both adjacent properties, the Public Works Department will review the final plans to ensure proper drainage. The applicant will be dedicating an alley easement to the City across the north 14 feet of the parcels being subdivided.

MINNEAPOLIS CPED PLANNING DIVISION RECOMMENDATIONS:

Recommendation of the CPED Planning Division for the Zoning Amendment (Rezoning) Application:

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application to rezone the properties at 4306, 4308, & 4320 E. Lake St. from the C1 District and to the C2 District.

Recommendation of the CPED Planning Division for the Conditional Use Permit for an Automobile Convenience Facility:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an automobile convenience facility at 4306, 4308, & 4320 E. Lake St.

Recommendation of the CPED Planning Division for the Conditional Use Permit to Extend the Maximum Hours Open to the Public:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application to increase the maximum hours open to the public to allow 24-hour per day operation of an automobile convenience facility at 4306, 4308, & 4320 E. Lake St.

Recommendation of the CPED Planning Division for the Variance Application to Increase the Maximum Permitted Sign Area:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the variance to increase the maximum permitted sign area on the pump island canopy to allow

53 square feet of sign area on each side that faces a street rather than 25 square feet of sign area on each side that faces a street at 4306, 4308, & 4320 E. Lake St.

Recommendation of the CPED Planning Division for the Variance Application to Eliminate the Minimum Vehicle Stacking Space Requirement at the End of the Pump Islands:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to eliminate the minimum vehicle stacking space requirement at the end of the pump islands at 4306, 4308, & 4320 E. Lake St.

Recommendation of the CPED Planning Division for the Variance to Increase the Maximum Permitted Fence Height:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to increase the maximum height of a fence along the north lot line from six feet to eight feet at 4320 E. Lake St.

Recommendation of the CPED Planning Division for the Variance Application of the Required Front Yard Along 44th Ave.:

The City Planning Department recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the required front yard along 44th Avenue to allow a portion of the vehicle maneuvering area in the setback area at 4320 E. Lake St.

Recommendation of the CPED Planning Division for the Site Plan Review Application:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for an automobile convenience facility at 4306, 4308, & 4320 E. Lake St., subject to the following conditions:

1. The project is subject to approval of the proposed alley vacation.
2. The applicant shall place additional mass at the corner of Lake Street and 44th Avenue by, at a minimum, incorporating brick at the base of the freestanding sign and increasing the amount of brick in the proposed fence. Not less than twenty five (25) percent of fence along the south and east property lines shall be brick.
3. The fascia of the service area canopy shall match the roofing materials of the principal structure.
4. The public right of way located between the south property line and the public sidewalk shall include interim amenities to be reviewed by staff. CPED staff shall review and approve long-term amenities following a city and county decision about the use of the reconstructed Lake Street right of way. Such long term amenities shall be installed within six months of completion of the reconstruction of the block.
5. Walkways between the building and the parking spaces shall be kept free of obstructions (e.g., pillars, ice machines, etc.) in a manner that allows four (4) foot wide clearance. Such walkway(s)

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shall be protected from encroachment of vehicles by curbing, wheel stops, bollards, or similar barriers.

6. The location and width of curb cuts shall be reviewed and approved by the Public Works Department.
7. A “No Left Turn” sign not exceeding four (4) square feet in area shall be installed near the exit onto 44th Avenue South.
8. The site shall comply with the minimum number of canopy trees and shrubs required by section 530.150 of the zoning code. One canopy tree shall be planted for every twenty five (25) linear feet of parking/maneuvering frontage.
9. The applicant shall submit a final lighting diagram verifying compliance with the City’s lighting standards and to determine the effect of lighting on surrounding uses.
10. The air service machine shall not be located in a required yard.
11. The project shall comply with the Specific Development Standards for automobile convenience facilities found in section 536.20 of the zoning code.
12. The Planning Department shall review and approve the final site plan, landscape plan, building elevations, and all fence and refuse enclosure elevations.
13. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit for exterior improvements.
14. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by April 30, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Recommendation of the City Planning Department for the Proposed Alley Vacation :

The CPED Planning Division recommends that the City Planning Commission and the City Council **continue** the vacation application to the meeting of April 8, 2004.

Recommendation of the CPED Planning Division for the Minor Subdivision:

The CPED Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the minor subdivision.

Attachments:

- Written statements from the applicant
- Letters to neighborhood group and council member
- Neighborhood action and letters from area residents and property owners
- Excerpt from East Lake Corridor Study
- Aerial photograph with diagram of proposed alley vacation and alley easement
- Zoning map

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- Minor subdivision
- Site plan and other site-based plans (e.g., landscape plan, grading plan, equipment plan, etc.)
- Signage plan
- Building elevations and floor plan
- Photographs