



Request for City Council Committee Action from the Department of Community Planning & Economic Development – Planning Division

Date: February 15, 2007

To: Council Member Gary Schiff, Chair, Zoning & Planning Committee and Members of the Committee

Referral to: Zoning and Planning Committee

Subject: Appeal of the decision of the City Planning Commission filed by Carol Lansing on behalf of Mia and Clay Lambert

Recommendation: At the January 22, 2007, City Planning Commission meeting seven of the Planning Commission members were present. There were split votes for the individual applications acted upon at the meeting for the Prospect Park Citgo redevelopment located at 2700 University Avenue Southeast:

Conditional Use Permit: Denied 4-1, 2 abstained

Nonconforming Use Expansion: Denied 4-2, 1 abstained

Variances: Denied 5-1, 1 abstained

Site Plan Review: Denied 4-1, 2 abstained

Ward: 2

Previous Directives: Not applicable

Prepared by: Hilary Dvorak, Senior Planner Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Hilary Dvorak, Senior Planner
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Community Impact

- Neighborhood Notification: Notice of the Planning Commission hearing was mailed on December 1, 2006, and notice of the appeal was mailed on February 5, 2007
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: A 60-day extension letter was mailed on September 29, 2006, extending the 120-day decision period to January 4, 2007. The applicant has further extended the time for review to March 5, 2007.
- Other: Not applicable

Supporting Information

Carol Lansing, on behalf of Mia and Clay Lambert, has filed an appeal of the decision of the City Planning Commission in regard to the Prospect Park Citgo redevelopment located at 2700

University Avenue Southeast. The appeal is associated with the decision of the City Planning Commission to deny the following applications:

- Conditional use permit to reconstruct an automobile convenience facility.
- Expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.
- Variance to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle.
- Variance to reduce the east interior side yard setback from the required 7 feet to 0 feet to permit a stacking lane for the car wash.
- Variance to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash.
- Variance of the stacking requirements for the car wash from the required 15 to 7.
- Variance of the stacking requirement for the gasoline pump islands from the required 6 to 2.
- Variance of the parking requirement from the required 21 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces.
- Site plan review.

The original staff report and the minutes from the January 22, 2007, City Planning Commission meeting are attached.

The appellant has stated that the decision is being appealed for several reasons. The list below is a summary of the appeal statement. Please see the appellant's complete statement and reasons for the appeal that are attached.

- The proposed site plan is innovative in many ways not typically associated with automobile convenience facilities. Such features include a two-story building design, a mix of uses through the inclusion of office space to be rented, an enhanced landscaping plan and a full service attendant's building.
- Alternative compliance is warranted to allow 12.7 percent landscaping verses 20 percent as the proposed landscaping plan includes more green space than what is currently on the site, the landscaping plan includes plant materials that provide year-round visual interest and a decorative fence will be located along the perimeter of the site which will also enhance the landscaping.
- Alternative compliance is warranted to allow less than 30 percent windows on the first floor of the building on both the east and west sides of the building as the car wash takes up almost half of the elevation and the need to accommodate coolers and restrooms.
- "No single development proposal can achieve all of the policies of the comprehensive plan. Comprehensive plan policies should not be applied in a way that prevents the improvement and renovation of an existing business simply because another type of development may be 'more consistent' with certain plan policies".
- According to industry standards car washes like the one proposed do not require as many parking spaces or stacking spaces as the Minneapolis zoning code requires.

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES
Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: January 9, 2007

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of December 18, 2006

The following actions were taken by the Planning Commission on December 18, 2006. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff and Tucker – 8

Not Present: Henry-Blythe and Krueger

9. Prospect Park Citgo (BZZ-3198, Ward: 2), 2700 University Ave SE ([Hilary Dvorak](#)). This item was continued from the October 3, October 30, and November 13, 2006 meetings.

A. Conditional Use Permit: Application by Clay and Mia Lambert for a conditional use permit to reconstruct an automobile convenience facility located at 2700 University Ave SE.

Action: The City Planning Commission continued the conditional use permit application to reconstruct an automobile convenience facility located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

B. Nonconforming Use Expansion: Application by Clay and Mia Lambert for an expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district at 2700 University Ave SE.

Action: The City Planning Commission continued the expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

C. Variance: Application by Clay and Mia Lambert for variance to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line at 2700 University Ave SE to permit a drive aisle.

Action: The City Planning Commission continued the variance application to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

D. Variance: Application by Clay and Mia Lambert for variance to reduce the east interior side yard setback from the required 7 feet to 0 feet to permit a stacking lane for the carwash located at 2700 University Ave SE.

Action: The City Planning Commission continued the variance application to reduce the east interior side yard setback from the required 7 feet to 0 feet to permit a stacking lane for the car wash located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

E. Variance: Application by Clay and Mia Lambert for variance to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash for property located at 2700 University Ave SE.

Action: The City Planning Commission continued the variance application to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

F. Variance: Application by Clay and Mia Lambert for variance of the stacking requirements for the car wash from the required 15 to 7 for property located at 2700 University Ave SE.

Action: The City Planning Commission continued the variance application of the stacking requirements for the car wash from the required 15 to 7 located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

G. Variance: Application by Clay and Mia Lambert for variance of the stacking requirement for the gasoline pump islands from the required 6 to 2 for property located at 2700 University Ave SE.

Action: The City Planning Commission continued the variance application of the stacking requirement for the gasoline pump islands from the required 6 to 2 located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

H. Variance: Application by Clay and Mia Lambert for variance of the parking requirement from the required 21 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces for property located at 2700 University Ave SE.

Action: The City Planning Commission continued the variance application of the parking requirement from the required 21 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

I. Site Plan Review: Application by Clay and Mia Lambert for a site plan review for property located at 2700 University Ave SE.

Action: The City Planning Commission continued the site plan review for the property located at 2700 University Ave SE to the January 22, 2007 City Planning Commission meeting.

Staff Dvorak presented the staff report.

Commissioner Schiff: Can you explain the relationship of the actual alignment of light rail to this property. I know light rail continues down University Avenue, but there's a jog somewhere after the 29th station.

Staff Dvorak: It goes north on 29th. I don't have anything that shows 29th Avenue, but it comes down University.

Commissioner Schiff: So the train won't go past this property that we're talking about?

Staff Dvorak: It goes north on 29th to the transit way and then drops into a tunnel somewhere around Dinkytown.

Commissioner Schiff: So the objections in part of the staff report are in its proximity to the line, the site's proximity to the line?

Staff Dvorak: I don't know if I'm following your question. I apologize.

Commissioner Schiff: Early in the application you start stating objections because it's in a transit area. Even though the train doesn't go past the property we're talking about, the objection is based on the fact that the train goes two blocks away?

Staff Dvorak: I don't know if I actually address that it's in a transit area, I note that this is within two blocks of a potential transit station stop. I don't think I directly linked the denials to this being located in a transit area. I can expand on that one paragraph in the background. This area is being looked at for a rezoning for a potential pedestrian oriented overlay district in relation to a potential transit station area appeal also, which will be coming before the Committee of the Whole early in 2007. There was no direct relation to the denial of these applications and this being a potential transit area.

Commissioner Schiff: So then the objection, mainly in this site and this use in looking at the expansion of a nonconforming use analysis, is that it's zoned C1 and that a C2 use would not be appropriate on a community corridor?

Staff Dvorak: That's part of it. We also believe that given recent approvals of other auto-convenience facilities that the city has been successful at getting the store's themselves to the corners of the properties and the pump islands to the back of the site. I think we truly believe that this site could be designed to meet the standards of the code and still produce an auto-convenience facility on the site.

Commissioner Schiff: Ok. This is what I am trying to get to. Is it just objections based on site plan or is it the use? I'm reading the analysis of the expansion of a nonconforming use application and I am getting the impression that it's the use that is objected to as well as the site plan. Can you clarify?

Staff Dvorak: I think it's both. I believe that the car wash makes it a much more intensive type of use given the additional applications that are required for that additional aspect of this use and that the auto-convenience facility could stand alone on its own and the car wash is adding to complications on this site. I think it's the use and the arrangement.

Commissioner Schiff: Ok. Thanks.

Commissioner Nordyke: I'm hoping you can elaborate a little bit on the conditional use permit and your finding with regard to this being injurious to the use and enjoyment of the property and the vicinity, impede normal orderly development and discourage improvement of nearby properties. On this particular project it just doesn't seem obvious to me that that is the case. I'm curious if you can elaborate on why you made that finding.

Staff Dvorak: When you have new developments that come in, our requirements call for them to be built up to the property lines, have that pedestrian orientation to the street, parking to the back, windows, doors, things such as that...

Commissioner Nordyke: Following up sort of on what Commissioner Schiff was saying, if the site plan was more in keeping with what you're talking about, would the objections under number two, your finding number two, would those go away?

Staff Dvorak: I guess I can't say that with 100% certainty that it would or would not.

Staff Wittenberg: It's difficult to answer that question. The recommendation in front of you on both the site plan review and the conditional use permit really looks at the cumulative effect of everything that's being requested. When you take that as a whole with the number of things for which alternative compliance is being requested, as well as the number of variances being requested...taken as a whole, that is a project that is quite far from our adopted policies and regulations and does indeed have the potential impede normal and orderly development of the area.

Commissioner Tucker: I'm not sure how familiar you are with the draft of the 29th Avenue/University Transit Study, I know that's just coming to us this Thursday, but does that offer any guidance on this site as to its use, its urban form and that sort of thing?

Staff Dvorak: If Jen doesn't mind, maybe Jen Jordan could answer that question. She's the community planner for this area and has worked very closely with this development plan.

Staff Jordan: You will be seeing the University and 29th Plan coming on COW this Thursday. In terms of future land use guidance for this site, it does identify the site as a site for future development, possibly, because it is key on University Avenue. It doesn't go anymore beyond

that. The tone of the plan as a whole is to say that the entire corridor is going to become higher density and mixed-use. Does it say specifically that each parcel should be, not necessarily, but it does identify this as a potential site for something bigger and better in the future?

Commissioner Norkus-Crampton: I saw that on the stated hardship and dealing with some of these variances and just the arrangement of the site that the placement of the present gasoline tanks on site and the expense of moving those is listed as one of the real detriments to rearranging things on this site. Do you see that there's a way to still rearrange this to comply with the present zoning if they did not move those tanks?

Staff Dvorak: The tanks are located in this location. I guess the applicant would really have to answer that question. The island right now sits like this. The pump islands are at an angle and then the gasoline pumps are located here. I'm not sure how the pipes run.

Commissioner Norkus-Crampton: So it's more of an engineering question as far as that goes.

Staff Dvorak: Yes, or for the applicant. Again, we don't take economics into consideration for our hardship variance.

Commissioner Norkus-Crampton: Sure. I was just curious if they didn't move the tanks if there was a way to rearrange this site to meet some more of the requirements. Thank you.

Commissioner Huynh: My question is regarding building placement. My question is relating to traditional urban form, especially along University, and how with most structures you want everything to front University, but given that this use is a gas station you want most of the public portion along the street... have you looked at using vegetation or architectural detailing to reinforce the street side versus moving the building up to the street corner?

Staff Dvorak: I think, as Jason said, that together with everything that was proposed, we evaluate what comes in. Everything that was proposed, all of the variances and the other applications, we felt that this wasn't a good plan for this site. We didn't feel that the building met alternative compliance for building placement. Nothing else was offered up as alternative compliance to all of the things that require alternative compliance on this site before you.

Commissioner Huynh: Thank you.

Commissioner Tucker: Has Public Works reviewed this?

Staff Dvorak: This plan was not submitted to Public Works for review.

Commissioner Tucker: So they haven't been able to comment on the lack of stacking or the lack of parking?

Staff Dvorak: They have not had any comment. It was mentioned in an earlier version of the staff report that I had reminded the applicants that that was required. I can let them explain

why they haven't done so, but they were reminded and told from the beginning that that was something that needed to be done before...if we get to the point of building permits sometime that that would have to occur first and that Public Works may have other concerns with the layout.

President Motzenbecker: How many site configurations or attempts were made during these objections?

Staff Dvorak: This was the second layout. I was the second staff person assigned to work on the project so there may have been a different configuration before I received the file, but I don't think so. The applicant could answer that. The other layout that was in the previous staff report looked like this. That was October 30th, I believe, that this site plan came before you. It was continued, it was never discussed at that Planning Commission meeting. The number of curb cuts was reduced from four, which is current today, to two. On the site plan today you see that there is this third curb cut as the exit only from the car wash. This configuration, which is what was initially proposed, there were just the two curb cuts. The stacking for the car wash started here and ended here and crossed that drive aisle into here. The building was then set back and I don't recall the exact number of feet. It was set back more than eight feet from the property line to allow for this stacking lane to be here. The car wash then exited out here. The parking was in the same configuration. They did reduce the number of pump islands from four to three which cut down on the stacking. One thing that did occur here is that the car wash got longer and that's why the number of stacking spaces required increased from the last time this was reviewed. The attendant building was added on the corner. This is what was initially proposed back in October and then this is what's before you this evening.

President Motzenbecker opened the public hearing.

Mia Lambert [not on sign-in sheet]: My husband and I are owners of this property. We are natives of this great state of Minnesota. We're college educated at the University of St. Thomas. We've been residents of the Downtown Minneapolis area for the past ten years. We have been partners in this business and actively owned and operated it for the last four years as of tomorrow. We actively participate in Prospect Park activities. We provide a business prospective with the PPERIA association. We testified in support of the light rail transit. Clay is a member of the Light Rail Transit Commission that's coming down University Avenue. We also attend and support many of the University of Minnesota expansion activities that are ongoing. The other point I'd like to make, the first being a little bit about the current site. I'd like to put this picture on while I tell you about it. This is what the site currently looks like. As indicated, it was built in 1963 and it's primarily in its original configuration. What we currently provide there is self-service gasoline, a very small convenience store, a car wash and we have provided a full service auto repair facility. In the past four years we've employed over 30 people. They come from a variety of backgrounds including students needing part-time jobs during school, full-time jobs during the summer...

President Motzenbecker: Ms. Lambert, could you maybe speak to the items that are up for denial? The items that you have issue with in the staff report; if we could have you focus on

those and what your thoughts are with those that would be helpful for the Commissioners to understand a little bit about your choices there.

Mia Lambert: Then I will show you a rendering of what the site is proposed to be. It illustrates the two-story proposal that we've indicated. This is about the same perspective of the previous picture I just showed you. One of the big changes here would be the ceasing of the full service auto repair operations that are currently available on the site. With a bigger facility we would transition from six staff to approximately 16. The two big considerations for this site is that we are limited based on where the tanks are located and then the car wash in terms of the traffic flow that enters the car wash and exits the car wash both in consideration for the automobile traffic and the pedestrian traffic. I would like to conclude by saying thank you to the overwhelming support we have had so far on this property and the team of professionals that have put together this site plan that's before you today. I'd like to turn it over to Carol Lansing from Faegre & Benson who is going to go over the details of the site plan.

Carol Lansing (905 6th St): Mia wanted to introduce herself to you and let you know that this is a small family business with a strong commitment to the neighborhood. I would like to address, more specifically, the issues raised in the staff report. I think you hit on the key concerns in the staff report; building location and concern that there is a cumulative effect of variances for parking and stacking that could cause congestion on the site. I think those issues get mixed up in the analysis of all of the applications including CUP and nonconforming use and aren't necessarily directly applicable to those, but because they seem to be the theme I'd like to address the site plan issues first. This is the overhead of the existing site. We're starting with the store; the car wash is in this part of the store. You enter it and go through this way. Here are the pump islands, here are the tanks. You have four curb cuts here, here, here and here. There's a lot of cross-through traffic. Some people cut through to avoid the stoplight. Stacking for the car wash goes behind the store. The drive aisles; you see an existing condition of having this curb cut and drive aisle in this first 40 feet of a front yard setback. If an existing condition of having parking spaces right up to the property line on the east side for the pumps, I'm not sure you can really tell from this diagram, but I think it's an existing condition to not really have stacking on both sides of the pumps. Here is another view. It's not really dark enough to show that the pump islands are right here under the canopy and stacking would currently extend into the existing drive aisles. The new site plan, as I said, existing condition to continue to have this curb cut and drive aisle here, but it would close this curb cut, eliminate some of this drive through traffic, will add green space in the boulevard here, this curb cut is relocated and narrowed because stacking will be along this side property line where there's currently no yard and then go into the car wash and exit one way out on to 27th so you have a better pedestrian environment on 27th in terms of curb cuts as well. Hilary showed you the prior site plan, the interim, the big improvements on this site plan we're showing you is that the building has been pushed to within eight feet of 27th, it's not in its current configuration compliant with that standard and the interim proposal didn't bring it there either. It actually had the car wash stacking lane going down the side. You're closer to the street; you have a lot more green space over current or previously proposed conditions along 27th so we've enhanced the green space there. We've also found a way to add some parking spaces over the interim site plan. They've added this attendant's building, which while we know that doesn't put a big building on the corner, it does add some reinforce the street front

and adds an amenity to the site. You asked if the building can be put somewhere else. You can't put it here, you can't put it over the tanks and you can't put it on 27th in this location. To put this building on the corner means you either have the car wash on the inside of the lot, which is an unworkable configuration for where you're going to have your pumps and how people are going to get to the store or you have the car wash arranged along one of the streets and that's certainly not a pedestrian friendly approach to take. Practically you cannot keep these tanks and put this building along University or at the corner. The parking has been moved to next to the building instead of along the side which means that pedestrians don't have to cross traffic lanes to get to the building. It's a two-story building, which offers mixed-use of tenant offices on the top floor and does present more of a street presence if a bigger setback from the current building. The smaller pump islands mean that it's easier for cars to get around and into the drive lanes. While it maintains a lack of stacking spaces, it's an improvement over existing conditions. I think all of those improvements over the existing conditions are things that do justify alternative compliance.

President Motzenbecker: How many alternatives were explored and propose for this site layout? As far as I see it was only two and they weren't really trying very hard as far as I can tell. Do you have information on whether there was more attempts to work with the city and do some reconfigurations, look at other precedents and things like that?

Carol Lansing: I was not working with the Lambert's when they made their first application, but I have worked with them since. My sense is that it was sort of an all or nothing on the corner or on University. That was my understanding of staff's preferred positions and since that's not workable, there wasn't really many options to explore in that scenario. When I came on board, between the first application and how we certainly looked at the building, where we could put landscaping and some options there and that's how this was came to. We certainly would be happy to talk with staff about other amenities in the area. I do want to say that it's the Lambert's intent to also landscape the boulevard, both sides of the sidewalk, which is a considerable area and maintain it. While they haven't presented a landscaping plan, it is a condition of alternative compliance that they are desiring to do to improve their own site. That's something that's typically done for these auto related uses. Let me say the obvious, this is a gas station. This is a typical arrangement for a gas station in the city. To put it on the corner is not practical here.

President Motzenbecker: Can you summarize for us?

Carol Lansing: Since staff recommended denial of these, I do feel that I do need to address some of them in more detail. I will move on to the stacking and parking variances. The parking requirement is 21 for the site. Five of those are attributable to the car wash. I find it totally redundant to require parking spaces for a car wash for which you have stacking spaces. If you look at our variance request, staff didn't note that we will also will be providing a bike rack on site so that's equivalent to one parking space so we need a variance of five spaces. You could attribute those all to the car wash and find no actual demand. In addition, there is considerable walk-up traffic to this site from the neighborhood. With respect to the car wash stacking, you do have in your packets a letter from the Auto Wash which says that actual demand in their experience would only require about three stacking spaces. This is a faster

car wash, you can do three cars at once and we're providing seven. The pump stacking I described to you, there are three gas pumps there now and there's going to be three gas pumps there in the future. I asked Mia today how often she has more than six cars on the site and she said it's about five o'clock at night and it's about a half hour. That's what would just occupy the pumps without stacking. I think when you look at those things together, there really isn't a real concern with having cumulative negative impacts of variances for stacking and parking. Yard variances, those are typical for a site that's commercial zoned and commercial used where there are some OR or residential next to it. I think putting the building along the back provides a better buffer for the neighbors than would a fence and some yard. The neighbor's back here are supportive of it. Right here is an existing warehouse building so there's no negative impact for having no yard in that location. The CUP for the convenience store, I think you were hitting it on the head that there's not really an objection to the use; it's an allowed use. Under the zoning code, it's an existing convenience store in a C1 district and it's an allowed use, although it needs a conditional use permit. The nonconforming use for the car wash, again, staff's concerns were primarily the location of the wash, not the use. You have seen in your packets, and you will hear I'm sure, that both of these uses and their expansion are considerably desired and needed in this neighborhood. Site plan, yes, alternative compliance would be required. If staff got direction from you that you were approving of the applications, we would certainly work with them more closely on looking at the form of what that alternative compliance could take. One more point you raised about have we been to Public Works, we tried to go through preliminary development review, but you can only do that if you have full civil drawings. Given that we weren't sure if this would be approved, that's a considerable expense for a small business applicant such as this. We did talk to them and we did get feedback from Public Works that they thought the curb cuts were ok. We know that's a primary concern about how you lay out your site whether they will approve the curb cuts. Without civil drawings we weren't able to get more input from them.

Commissioner Tucker: I'm wondering if your client would be willing to meet with the Committee of the Whole to explore some of these site plan issues because I think there are some very difficult planning issues that we're trying to work with. The use of gas station seems to be reasonable for the near future until transit totally takes over, but in the meantime we are trying to build streets that are more pedestrian friendly and buildings that reinforce the street. Maybe there are other options that have not been explored yet that we could take a look. Continue working with staff and at some point present to Committee of the Whole if your client is interested in that.

Carol Lansing: The Lambert's are certainly interested in coming to a mutual [tape ended]...resolution. They are under time constraint because the Citgo brand that they have now will be leaving in March and they would like to be able to start their reconstruction at that time. Also, I think if it's accepting of the idea that a corner location is just not practical for them then other issues certainly we'd be happy to work with an address. Nobody has suggested how this could be done on the corner and I think if there was an outcome that staff could have suggested that by now. With the car wash, that's been what I thought has been staff's comeback is that we don't need to have a car wash or maybe we can have it in two buildings, but that's a considerable expense to have two buildings. It's a relatively small site. It's not a Bobby and Steve's site where you can do pretty much anything. Yes, we would come back

and talk more. We would be happy to do that, but unless somebody can offer some practical reason why it would be on the corner, I don't want to lead you to think that it's something we've seen as workable.

Commissioner El-Hindi: I'm going to try to maybe summarize what you are referring to. You're referring to that it's impractical because of it's feasibility to have the building on the corner versus...or splitting the car wash from the actual convenience store, but that would be something that would not be feasible to your client or the applicant at this point. Am I correct on that?

Carol Lansing: That it's not feasible for them to split the building, that's correct given the size of the site and the additional expense. This is a site plan issue, the location of the building, it's not a standard for CUP, it's not a standard for nonconforming use, it's something that where it is impractical, and I gave you some handouts about alternative compliance, you can find it.

Florence Littman (76 Clarence Ave SE): I'm the co-chair of the Zoning Committee of the Prospect Park/E River Rd Improvement Association. We've been working on this since May. This has gone to the zoning committee, where it seems that everything goes, and it's gone to the main body which meets every month and it has been unanimously approved every time it came. It looks great. I go past this every day and the thing that's there is pretty awful. It's been pretty awful since 1963 since I've been living in the neighborhood. The reasons we approved this are that we felt that it would enhance our residential neighborhood, it would enhance the commercial area and we feel that it's consistent with the policies of the Comprehensive Plan. I will go over that. We also felt that strict adherence to the zoning code was a hardship. We also felt that that the reconstruction meets all the conditions required for alternative compliance and I will go into that. When you look at this building, it's designed to fit into an urban setting. It's a two-story gas station. There aren't that many two-story gas stations. The few we have are really kind of ugly also. They didn't have the problems that we had. This is a two-story gas station. I'm not an expert on gas stations, but I've never seen one that looks that good. I think it really makes a statement. That's the first thing we notice. If you look at policy 4.2, it says "Minneapolis will coordinate land use on designated community corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets." This does that. This is definitely urban looking, it's mixed-use. I don't know what else you could do with a gas station. I think this is good. The present facility is not visually appealing, but in addition to that, it's not environmentally friendly. The standards were different in 1963 so the water from the car wash drains over the site and they don't have catch basins and all that kind of stuff. All that will be changed with a new car wash. The new building is so appealing. Policy 4.2 also says "Minneapolis will support development in commercial corridors where it enhances the street's character", but it also mentions that with community corridors. The site is becoming more conforming that it was before because they had auto repair. Auto repair is a pretty awful use on a street. Even the best ones are difficult. They're getting rid of the auto repair so that already makes it more conforming and that's a very big thing. In addition, the new facility is going to create 12 additional jobs. The owners do hire from the neighborhood. Policy 4.4 says "promote employment opportunities", it certainly does that. The plans include a larger convenience store, this will have many more choices that will cater to the people that live and work in the area. This is especially helpful now because

as you probably know we've lost our grocery store. Policy 4.4 also says "provide a wide range of goods and services for city residents", it's doing that. This reconstruction also keeps a small business in the neighborhood. It's amazing to us that a small business is considering making such a statement and putting so much money into our neighborhood. An implementation step for policy 4.2 says "support the continued presence of small scale retail and commercial services along community corridors." As far as having a gas station there, I don't drive, I'm totally dependent upon transit, but I do realize that we're still going to have cars on University Avenue. It might be nice to make tennis courts out of University Avenue, but that's just not going to happen. There's going to be cars...

President Motzenbecker: Ms. Littman, could you summarize, please?

Florence Littman: We're going to have cars on University Avenue and they're going to need gas. People are going to want their cars washed. We don't need a gas station on every corner, which is similar to what we almost had at one time, but we're still going to need a gas station there. It's not only going to serve cars, it's going to serve the people who walk by to buy stuff, to use the bathroom...the people who bike, the people who run. Policy 4.2 says "accommodate automobile traffic and force pedestrian movement". The new facility might encourage improvements in nearby policies. Policy 4.2 says "attention to residential livability." That is, it looks so much better than what's there. We've noticed sometimes when one neighbor fixes things up, others do it too. It's also going to be three curb cuts instead of four. The plan also includes this new car wash that's going to be four times faster than the other. We don't agree about this problem about the spill-over of cars. Right now, we don't really get cars spilling over there. We go by there all the time at all hours of the day. It's unlikely, with a new car wash that's four times faster, that you're going to have cars backed up into the street. We don't think that's a consideration. If it was a consideration now we would know. As I mentioned before, in addition to being faster, this car wash is environmentally friendly. The water is recycled...

President Motzenbecker: Ms. Littman, we do have your letter so if you have some final thoughts you could summarize with.

Florence Littman: I'd also like to say that I feel that strict adherence to the zoning code would create a hardship.

President Motzenbecker: We have that in your letter. Do you have anything that we don't have that we haven't read?

Florence Littman: Strict adherence would be a hardship. Moving the tanks does compromise their integrity, plus the fact that they might be broken. That's one issue which would cost \$250,000 to do that. That magnitude is a hardship for a small business. We also believe it meets the conditions for alternative compliance because it looks so good because they will be doing a lot of landscaping which you haven't seen. We strongly urge you to support this. We think this is good for our neighborhood and for the city.

Latricia Collins (128 27th Ave SE): Through the Minneapolis Public Housing Authority, I'm a program manager for the Glendale Housing Townhomes. In Glendale we have 181 apartments. Citgo sits right in front of our houses. It is easy for our residents of all ages to walk to. Mr. and Mrs. Clay have also created jobs for people in our community. They have also hired my youngest son through the summer for a summer job. When I first moved to the area five years ago, the first year I didn't feel the warmth or the kindness that I feel now since the Lambert's have took over Citgo. They are very nice people and they make you feel warmth and kindness when you walk in their store.

Lee Wright (3635 5th Ave S): I'm the manager of the Citgo station. I've been working for the Lambert's for about two and a half years. I've seen how the business has grown. I do think a new building would benefit the neighborhood because I deal with the neighborhood a lot. We can offer stuff like bread, milk and a lot of stuff managers get spazzed out on about when we don't have it. I used to live in the neighborhood. I still live in the city of Minneapolis. I really think it'd be a good idea to have a new building. Maybe I'm being a little selfish because it'd make my job easy.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I'm not a great fan of car washes and I've made that clear on a couple of occasions. I really should be voting against this whole thing from top to bottom because I'm not a fan of car washes. The problem with it is that it isn't all that simple. There's some precedent in the city for approving car washes near transit stations and in transit areas and for doing them along commercial corridors at least. We had one on Lake Street that Commissioner Schiff and I disagreed with and Commissioner Schiff got his way as he usually does in the end, but the point I want to make is that it's not a simple issue. The fundamental question is, if you're going to have car washes in city, where are you going to put them? I have a hard time defining University Avenue from the University of Minnesota to the St. Paul city line as a community corridor. I have a hard time with that because there's such a mishmash of businesses and zoning. Just look at the maps. To define as a community corridor, in my mind, just drives me bonkers. It's not a community corridor. It's about as commercial as you're going to get. I guess my reaction is, if you're going to have car washes you're going to build them in places like this, which is a commercial corridor even though we call it a community corridor. That's my first conundrum with this. My second conundrum with this is the site plan. There are gasoline stations in the city of Minneapolis where they have moved them up to the street. there's one on Hennepin Avenue, a Super America. There's one on Lyndale where they've done the same thing. There's another one that I'm aware of somewhere else on Lake Street. We didn't make them go on the corner for a variety of reasons, but the building sits on the end of the lot. None of those to my knowledge are car washes; they're gasoline stations and convenience stores. A car wash requires a different kind of configuration on the site. If you're going to allow a car wash, moving the site plan around is going to be really complicated because of the stacking and the other stuff. That bothers me a lot. I can't imagine how this car wash would work with a different site. Bringing it to Committee of the Whole wouldn't work for me very much because I can't imagine what the site plan would look like if it weren't this way simply because of the stacking and the need to get people on to the property and then off the property on to the street. I'm not an architect.

Maybe there are architects who could make this work better than I could. Given all those conundrums, my inclination is to approve this on the basis that in this corridor it's appropriate to have this kind of business and that the site plan is a rational way to put it on the site. The only fundamental question then is what does the city get out of this, which is the alternative compliance issue. We need to talk about that. Frankly, if this weren't built on this site, I'm not sure where it would be built. Maybe that's not a reason to approve it for this site, but in my mind it is a commercial corridor any way you cut it. You can call it a community corridor, but that definition for this site from Washington Avenue to the city line of St. Paul is a pretty strange use of the definition of community corridor to me. I'm going to move approval of the conditional use permit (Nordyke seconded).

Commissioner Schiff: I think I can end up where Commissioner LaShomb is for much the same reasons. I'm not comfortable on just approving this as is today because there are so many of the normal course of duty type of requirements that we put into site plans that aren't here. While we could throw out some ideas for improving the site plan and making some good suggestions today, I don't think we're going to end up with the normal site plan regulations that we get from all the other applications that are here today. I would suggest that we throw out our concerns with the application. Things like posting a bond for performance and completion dates like getting the site plan done. The landscaping requirement troubles me. I think I'm convinced that because of where the tanks are that you can't put the building in a different location, but I'm not convinced that you get to do half the landscaping that everybody else in the city of Minneapolis gets to do. I don't see the rationale for that. I know other gas stations have done great steps to reduce light pollution. The Super America on East Lake Street met the Dark Skies Initiative for reducing light pollution. I think there are steps there, with the canopy in particular, that could be taken to improve it. I would suggest that we go along and mention our suggestions, but then continue it one more meeting so that staff can get a sense of direction from the Planning Commission where we're going and then work with the applicant to have a really tight, solid application before us at the next meeting.

Commissioner LaShomb: Fine with me.

Staff Wittenberg: On the timing issue, if we were to continue we would not be able to do that unless the applicant grants us further extension because as it stands right now, the applicant has extended to February 5th, which if this project were appealed the appeal would take us right up to about that date before it's published. Another thing, just to provide a little bit of context, particularly for Commissioners who are newer to the Commission, in my time here in the past eight years, every, and I mean every single automobile convenience facility that has approached us, has said that it's not possible for them to build up near the front lot line in conformance with the city's urban form standards. I think if you look around at the stations that have been constructed since '99, some of which Commissioner LaShomb mentioned, I think you'll see the tremendous difference that that has made in compared to automobile convenience facilities that have been built in neighboring facilities during that same time. Also, just another thing to leave you with on a similar note, is what kind of ground we will have to stand on when the next automobile convenience facility comes in and we start the conversation by saying that that has to be constructed up near the front lot line. The first thing

they would point to would be “well, what about the one on 27th and University?” So, just a few thoughts about some of those issues before the Commission.

Commissioner Nordyke: I certainly like what Commissioner Schiff is saying. I’m just curious, given the fact that there is a substantial amount of denials here with regard to the staff. The attorney for the applicant had suggested that they had stopped certain processes because they weren’t sure this was going to go through, I’m curious if there is a way we can formally give some direction to staff that we want this to happen and then go ahead with what Commissioner Schiff is talking about.

Commissioner Schiff: I guess another question to the applicant would be if they are willing to extend our approvals by another 30 days to give us time since Mr. Wittenberg was correct; if we don’t approve it today then we will run out of time.

Carol Lansing: Yes, we would extend the deadline for further consideration. Some options before you today would be to make the statement to staff could be to approve the conditional use permit and the expansion of the nonconforming use, perhaps some of the variances if you agree with any of those, but not the site plan and have us come back to look at that more specifically with alternative compliance.

Commissioner Norkus-Crampton: I still had a remaining question because I see...at least according to the site plan that I have in front me, that the tanks are not directly... and I don’t know how accurate this is, are not directly beneath the pumps so I don’t know what kind of flexibility there is as far as where the pumps can be in relation to the tank. Does anybody have any information on that so they can clarify that for me?

Carol Lansing: I’m going to ask Mia to speak to if there is a distance requirement for the pumps to the tanks, but I guess the issue is that so long as the tanks here, you can’t put any building over that so that makes that unworkable.

Mia Lambert: I guess to answer your question a little more specific, I am not aware of distance requirements between underground tanks and the pump islands, however, the canopy that spans over the pump islands, that has to be completely free of...there can’t be anything under the ground for the same outline of the canopy overhead as below. The tanks have to be completely separate and away from any placement that the canopy is located.

Commissioner Norkus-Crampton: Thank you for the clarification. I guess my other suggestion would be...we talked about a possibility at the Committee of the Whole meeting...and I know that Public Works hasn’t been involved in this project yet and I don’t know if it would be useful to have possibly a Public Works meeting inviting somebody from Public Works to our Committee of the Whole meeting where we can have more of an informal conversation and really try to work some of this stuff out and would that be a possible way to move forward on this.

Carol Lansing: If I may, if Public Works would be willing to look at the site plan without civil drawings which really don't relate to traffic flow on the site we certainly have asked for that input from them and would be happy to do that.

Commissioner LaShomb: I'm going to withdraw my motion.

Commissioner Norkus-Crampton: Is there an answer as far as would that be an appropriate way to move forward?

Staff Wittenberg: The only concern is that there are literally about a half a dozen Public Works staff who have to review their own particular area of expertise on a site plan so I don't know that we'd be able to get them all at one Planning Commission meeting.

Commissioner Huynh: I believe that, I guess I just want to follow up with Commissioner Norkus-Crampton, regarding the site plan review there's several issues I think we have in front of us and that's the zoning code requirements for glazing, but also for landscaping requirements it's half of what is typically required, but also I see some fire safety conditions with having the car wash butt all the way up to the southern property line. Although it would probably be helpful to have someone from Public Works or the Fire Department be present at the Committee of the Whole, I feel that this project should actually go through a PDR process and have the departments review it and give us some information to be able to base our opinions on. It's hard to base design decisions, but also issues of circulations with right-of-way turns on how to make the best use of this site. I agree with the neighborhood that a newer building may be better for this site, but we want to make sure that it's the best building for this site. I agree with the Planning Division that there's a lot of uses that are pretty mishmash right now that doesn't make this approvable at this time. I would like to see us either continue this on to the next Committee of the Whole or ask the owner to submit it to PDR before we hear it again.

President Motzenbecker: Is that a motion?

Commissioner Huynh: Continue it two cycles so that the owner can actually submit it for PDR so that we can have civil, fire safety, the other departments review the site plan before we get it.

Commissioner Tucker: I will second that.

President Motzenbecker: And that was acceptable to the applicant?

Carol Lansing: It is if we don't need civil drawings. My understanding of what civil drawings would provide doesn't address... and we would go back to PDR when we've got an approved site plan and location with those drawings, but if...

President Motzenbecker: That's not something that we can actually, in this body, guarantee.

Carol Lansing: I don't know if Mr. Wittenberg would be willing to talk with the PDR review on that. Were civil drawings always required for site plan or when did that become a requirement?

Staff Wittenberg: I don't recall exactly when they started. Certainly the bar has raised for getting into the PDR meetings. I can have a conversation with them, but as president Motzenbecker suggested, we can't force the MDR office and Public Works to review something that doesn't meet their policies for review. Just to clarify so far what I'm hearing, that it's acceptable with that condition so that concerns me that we have to clarify that before we go ahead and continue two cycles.

Carol Lansing: I guess we'd say that's so you know we'd attempt to do that process and if the city staff is unwilling to give us input because we don't have the civil drawings we may be back to you without a lot of input on that, but we will do our best. I think, hopefully, that they know that you've given this much consideration to it and it's taking some steps forward that they'll think it's worthwhile.

Commissioner El-Hindi: Is that a requirement or is it not to go through PDR before it comes to the Planning Commission?

Staff Dvorak: It's not a requirement for the Planning Commission, but it is a requirement before building permits can be issued because for a site plan review, all of Public Works has to sign off on a site plan in order to get building permits.

Commissioner El-Hindi: Ok, so it is not a requirement for...

Staff Dvorak: It's not a requirement before this Commission. As I know, on other staff member's conditions of approval for projects that haven't been, it's subject to that review and approval by Public Works and the risk is that there may be changes as a result of that PDR, which would send them back to this Commission because of those changes. Public Works sometimes has more say on site plan issues as far as curb cuts or whatnot that aren't changeable in their mind.

Commissioner Tucker: As I understand it we're suggesting that we continue this two cycles which would have it at a Committee of the Whole on January 11th and then it would come to the full Commission on the 22nd. If we do so, I think we owe it to the applicant to be very clear what our concerns are so they can be working towards that. We certainly have an applicant here who is trying very hard to make a very good building and probably as good of a site plan as they can given their business plan, but as pointed out in the staff report, the cumulative effects of all the variances and not coming up to the street and site plan issues just don't make it an approvable project although I think the Commission does recognize that a gas station and car wash may still be appropriate even on a transit oriented avenue if that's a few years away. I just wanted to make sure that it's the cumulative effect of all these little things that make it not approvable and I think there's also a very strong wish to bring a presence right up to University Avenue. I know we had this discussion a few meetings back when we were doing University Gardens and we were trying to get the entrance for University Gardens to be right up on

University because we're trying to emphasize the street. I think we denied that but on appeal they got to put it on the side and subsequently went on to get a major award for that. Nevertheless, I think this Commission does want to emphasize the street as much as possible so we want the applicant to understand that as clearly as possible.

Commissioner Nordyke: I'm going to speak against the motion. This is a difficult enough process for people to go through without adding things to it that aren't part of what we have as a standing policy that people need to go through. It also seems to me that there are certain parts of that that we just aren't in control of. I'm concerned that it's sending the applicant out for something that might not be fruitful. I agree with where Commissioner LaShomb started this discussion which is that I think that while this isn't perfect, it's sort of why we're here. It's a business model. If we were speaking directly to the conditional use permit, which is where we started, I would actually be ready to approve a conditional use permit and move on down the line and try to work with them as we get into the site review. I am against the current motion and am stuck on sending the applicant away for two more cycles, which they are generously agreeing to, without necessarily giving them a clear direction from us about we are willing to accept or not accept. Are we sending them away to go and fight with the staff about putting this on the corner for the next two cycles and to come back exactly where we're at or what kind of direction are we giving staff to work with the applicant around the existing site plan as opposed to going back for a free-for-all with the applicant and staff?

Commissioner Schiff: Commissioner Nordyke, I appreciate the interest you have of sending a message to staff. I think I've tried to do that with my comments and I think several others have done so as well. The problem that I would have on voting to approve a conditional use permit today is that the conditional use permit is our opportunity to add conditions on the use and we would give that up if we didn't have them all spelled out today. There are some things we can add as a condition of a CUP that we can't add as a condition of a site plan and we would give up that leverage and I wouldn't want to start going down an application if it was as simple as a rezoning or something like that that would be easier since we can't condition a rezoning, but I wouldn't want to give up some of these fine details that we'll have an opportunity to vote on in the future.

President Motzenbecker: We recognize that the applicant is an upstanding member of the community. I think they want to do a really good, positive thing. We've seen the support for this and I believe that that is a good thing. What's being said is that cumulatively this application is just not in a satisfactory place as of yet. There were precedents given of different convenience and gas facilities that are in a unique configuration of the corner. I recognize that the car wash does throw a little wrench in it. I was just not satisfied. I think two schemes, personally coming from my experience, doesn't seem to try very hard, especially with the configuration. It's pretty much a square site. With where the tanks are, there might be some things that could be done to make it work so I would like to see a little more effort put into reconfiguring some of the items on the site. I think that can be done if the applicant is willing to come to a Committee of the Whole meeting where the Commissioners who mentioned these concerns should definitely be present to give them the direction that they need. I think they deserve that as has been mentioned. The motion on the floor right now is to

postpone this for two cycles to the January 11th COW meeting and then to the January 22nd Planning Commission meeting.

Staff Dvorak: I need to get the request for extension and I want to get that before everyone leaves this evening. I would ask Jason if he could factor in an appeal after January 22nd and then City Council publication signing by the Mayor when I need that extension to, please. I just didn't bring a calendar.

Staff Wittenberg: Looks like March 5th.

Staff Dvorak: That would be after publication?

Staff Wittenberg: That's correct.

President Motzenbecker: All those in favor of the motion as stands? Opposed?

The motion carried 6-1.

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

Minneapolis Community Planning & Economic Development (CPED) Planning Division

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MEMORANDUM

DATE: January 30, 2007

TO: Steve Poor, Manager, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of January 22, 2007

The following actions were taken by the Planning Commission on January 22, 2007. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre

studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners Present: President Motzenbecker, Huynh, LaShomb, Mains, Norkus-Crampton, Schiff, Tucker and Williams – 8

Not Present: El-Hindi (excused) and Nordyke

4. Prospect Park Citgo (BZZ-3198, Ward: 2), 2700 University Ave SE ([Hilary Dvorak](#)). This item was continued from the October 3, October 30, November 13, and December 18, 2006 meetings.

A. Conditional Use Permit: Application by Clay and Mia Lambert for a conditional use permit to reconstruct an automobile convenience facility located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit application to reconstruct an automobile convenience facility located at 2700 University Ave SE.

B. Nonconforming Use Expansion: Application by Clay and Mia Lambert for an expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district at 2700 University Ave SE.

C. Variance: Application by Clay and Mia Lambert for variance to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line at 2700 University Ave SE to permit a drive aisle.

Action: The City Planning Commission adopted the findings and **denied** the variance application to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle located at 2700 University Ave SE.

D. Variance: Application by Clay and Mia Lambert for variance to reduce the east interior side yard setback from the required 7 feet to 0 feet to permit a stacking lane for the carwash located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the variance application to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash located at 2700 University Ave SE.

E. Variance: Application by Clay and Mia Lambert for variance to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash for property located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the variance application to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash located at 2700 University Ave SE.

F. Variance: Application by Clay and Mia Lambert for variance of the stacking requirements for the car wash from the required 15 to 7 for property located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the variance application of the stacking requirements for the car wash from the required 13 to 7 located at 2700 University Ave SE.

G. Variance: Application by Clay and Mia Lambert for variance of the stacking requirement for the gasoline pump islands from the required 6 to 2 for property located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the variance application of the stacking requirement for the gasoline pump islands from the required 6 to 2 located at 2700 University Ave SE.

H. Variance: Application by Clay and Mia Lambert for variance of the parking requirement from the required 21 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces for property located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the variance application of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces located at 2700 University Ave SE.

I. Site Plan Review: Application by Clay and Mia Lambert for a site plan review for property located at 2700 University Ave SE.

Action: The City Planning Commission adopted the findings and **denied** the site plan review for the property located at 2700 University Avenue Southeast.

Staff Dvorak presented the staff report.

President Motzenbecker: The spaces were reduced from what?

Staff Dvorak: The car wash stacking requirement was 15 now it's 13 down to 7 and the parking requirement had been 21 spaces total and now the requirement is 20 spaces down to 15. The two stayed the same in both cases. As far as the windows, anything that required alternative compliance didn't increase. Along University it had been 37% on the first floor and then 18% on the second floor. The new calculations are 30 and 22 so the first floor went down and the second floor went up. The 27th Avenue side of the building had been 17 on the first floor and 16% on the second and now its 17% on the first floor and 22% on the second floor so the second floor did go up. The east side stayed the same at zero and 12. Those are the changes that were made. I won't go through the rest of the applications this evening unless there are questions.

Commissioner Huynh: Could you inform us if there was a PDR submittal or any discussions with Public Works that occurred between the last hearing and now?

Staff Dvorak: There has not. Not to my knowledge, but the applicants can confirm that for you.

Commissioner Norkus-Crampton: I'm just thinking that for the benefit of the new members, could you please give a cursory...because I know the department has been recommending denial, could you just point out the main issues for the new members?

Staff Dvorak: I'll run through the list of applications and then speak to the main issues.

Staff Dvorak reviewed the staff report.

Commissioner Williams: Could this be redesigned in such a way to meet the requirements?

Staff Dvorak: Staff believes that it could be redesigned and it's been a major theme of discussion at the last two meetings that we've had with the full Planning Commission and at our Committee of the Whole meeting. We have not been given other alternatives to look at to confirm or deny our thoughts on how this could be done; ways we think it could be done are to either eliminate the car wash in its entirety, which is causing a lot of issues on this site because of the increased parking and stacking spaces and the amount of room it takes up for that or to split the car wash from the convenience store portion of the building to achieve having a building up on the corner closer to University but in keeping the car wash at the back half of the site. It's not our job to design sites for our applicants and so we haven't looked at or reviewed a site that would look like that.

President Motzenbecker opened the public hearing.

Carol Lansing (2200 Wells Fargo Center): With respect to some of the changes on the site that Ms. Dvorak outlined, the fence height on the south to nine feet, there was no intent to exceed the height limit so that is certainly something we'd change. The variance on the parking, I would like to point out that we would intend to include a bike rack that would qualify for one parking space and that would certainly be an appropriate condition of approval to specify that so actually we would be providing 16 spaces only needing a variance of four. The window percentage on the 27th Avenue side did not increase by Ms. Dvorak's calculations and I think that our plans we revised recently were not clear that the window glass on the door would remain in this area so actually the window percentage would go up on this side with the addition of this second window. We did not go through PDR. I did contact them again and unless you have all of the requirements met they don't take you through PDR and what we don't have at this point are civil drawings for the utilities size and materials underground. On the landscaping, I don't know, and this is not a very distinct drawing, but there is also proposed in here a decorative fence that the staff report did not identify and again she had these on short order and we don't have a picture of the fence but it's proposed to put a decorative wrought iron style fence here, here, some connections here and along the street front combined with a really spectacular landscape plan which is new. This landscaping plan, with the decorative fence, we believe does a wonderful job of reinforcing the street and making it a very pleasant pedestrian experience. There would be color throughout the seasons, flowering bushes, perennials, and winter interest there. I think that is a significant change since you saw this last. I think changes since this whole thing started have been significant and while we have not put the building on the corner, I think we're on our third site plan now, it has improved with encouragement from Planning to bring the building out to 27th, previously it was in the interior as Ms. Dvorak mentioned. We've decreased the parking requirement, increased the parking provided, significantly increased the landscape now to 12.7%, added the attendants building and a monument sign to also reinforce the street and pedestrian experience of the street front with no blank walls. With respect to the building on the corner, we did talk about that at Committee of the Whole, not all of you were present for that. I'd like to just reiterate

that what drives a convenience store design is this need and this is the convenience store portion of the building – it's the need to have these coolers that you can walk into and put product in. Those have to line walls and that means that you don't get windows on those walls. Even if there was no car wash on this site, if you put this building at the corner, you're going to have to have a lot of glass facing into the interior of the site where the gas pumps are, that's where your business is, that's where you need to have the most surveillance in terms of that and so that means that you're going to be putting the coolers against the wall and you lose...it kind of undermines the point about having surveillance on the street. I'd like to show you these examples. This is where you've achieved a building on the corner. This is 28th and Lyndale. This is the windows facing the interior of the lot where the pumps are. This is the Lyndale side where there's no windows on this half of the building at first floor, there are some on that half. This is the 28th Avenue façade where the only windows are in a little strip in the middle. I expect, I didn't go inside, that this is where they've got their coolers. These windows are above head level and they do not qualify toward the percentage and don't provide surveillance. This is the side facing east, again, no windows at the pedestrian experience or providing surveillance on the site. So, where a corner placement has been achieved, and this site doesn't have a car wash so they didn't have those issues, but even if it was just a convenience store you undermine a lot of the other goals that we can achieve in terms of pedestrian experience plus some other positive aspects of this property with the two-story building and mixed-use. Just a couple more quick examples, this is Lake and 44th where a convenience store was not required to be put on the corner. This is Lake, 44th runs this way. The east side of the site is where the pumps are. All of these things are case by case. They don't have a car wash, but I just wanted to let you know that this wouldn't be the first time that someone acknowledged that site plan does not necessarily apply well in all its respects to an automobile related use and where the Planning Commission and City Council have acknowledged that. The Super America's have its coolers along the walls but this is to the interior of the block and so there is not a window requirement, but I think that it points out convenience stores have to have walls covered by coolers in order to do business. There are some other examples that I won't show you at this time where site plan standards have had to accommodate the convenience stores.

President Motzenbecker: If you could summarize for us that would be great.

Carol Lansing: We talked about a lot of reasons before about why splitting the building doesn't work for my clients. It's not just that you have some aesthetic problems putting it on the corner, it's that they wouldn't be able to do a two-story building if you split the building because they wouldn't have a floor plate at the second level, you'd lose the mixed-use, you'd lose the two-story, there are increased costs not only of the building, but decreased efficiencies for energy. The Lambert's are looking very seriously at doing a geothermal approach to being able to reincorporate the heat from the coolers and using it to heat the water in the car wash and that probably wouldn't be possible with a split. I have offered you...you have handouts of proposed alternative compliance findings and proposed findings alternative findings. As I said, both the architect and the landscape architect are here if you have any questions for them.

President Motzenbecker: Was there any exploration given to the suggestion from Committee of the Whole regarding green roofing or green building materials to that degree as a alternative compliance measure?

Carol Lansing: Actually, I found out that the Lambert's have been exploring the green roof option on their own and did talk about that and it doesn't appear to be economically feasible for the excessive cost of building stage and unlikely to recoup that in any short period of time, but that is why they're exploring the geothermal approach to heating and air conditioning and I probably said more about it technically than I'm competent to already, but they are very conscious of trying to be an energy efficient site.

Commissioner Huynh: Thanks Carol. Although the project didn't go for a PDR submittal, has there been any discussion with Public Works at all in terms of traffic on to the site and off the site?

Carol Lansing: They did look at the site plan in terms of the three curb cuts and that question, I did specifically ask them if they could look at that and they did that before your last meeting and they had no negative comments on that. There are four curb cuts now. I also did confirm with Dennis Morris that decorative fencing would probably be just fine.

Florence Littman (76 Clarence Ave SE): I'm speaking this time as an individual, something I have never done before. I have a picture here. This is something that we did in 1987 when we were first talking about site review standards for gas stations. You can see that what is now Citgo is in there. It looks more or less the same as it did then. I'm speaking as an individual as someone who's lived in Prospect Park for a long, long time. One of many people who walk, run, bike and drive past this spot and one of many people who is very much in favor of this. I'm not going to talk zoning, setback...whatever, we're just going to talk about that building. When we look at that we say it's a beautiful building, it really is. Not only will it improve our neighborhood, it's going to improve the whole city. Maybe it will encourage some other people to fix up their sites also if they don't have to go through as much as these folks are going through. When I tell people that it's been denied, every single thing was denied – they couldn't see anything good in this, I guess it's hard to explain that there's nothing good in this. True, there are some requirements that it doesn't meet, however, we know there are ways...the requirements cannot meet every single case. We know that there are ways to wave the requirements if you do other things. I think this building speaks for itself and that's what a lot of my neighbors feel. I'm asking for you to look at it that way and ask "what do we get if we don't do this?" Well, we get the same old ugly building or they could put a stucco box on the corner, a metal box on the corner. The other gas stations that we saw that met some of the requirements didn't look nearly as good as this. This is urban designed, it's mixed-use. I don't think we could ask for much more. If the owners could put this on the corner and do it some other way, they would. Why would they want to put themselves through this? Obviously they can't. They do need the car wash and we need the car wash because our car wash is gone now. It's becoming condos. There are very few gas stations there, not that we're in love with gas stations, but you still need them. If we're going to have them, we want to have one that looks like this. There was a suggestion to put the pumps in the back. When people heard that, every single woman, and I must say a few men, including my husband, said "I don't think I

would go to a gas station with the pumps in the back.” I certainly wouldn’t let my teenage kids do that. That’s not a great idea. Jason was concerned about precedent. We’re often concerned about precedent. That’s a great precedent. If you can take your old, inefficient, ugly site and without changing the zoning, without expanding it, and you can build a state of the art, energy efficient gas station, that is beautiful. That’s a great precedent. I wish more people would do that. We really feel that this will really improve our neighborhood and we believe there are ways they can do that. It sets a good precedent and we ask you to look at it with our eyes. None of you live in our neighborhood. None of you have to go by and look at it, we do. We’re the people in the trenches who live with it. I really hope that you will consider our opinion too because this is extremely important to us. If we get another ugly gas station it’s not going to help us. Thank you. Oh, I have one more thing to say. St. Paul, I have the Midway Monitor, Mayor Coleman and Council Member Benninghoff had a press conference emphasizing the need to support St. Paul’s locally owned neighborhood based businesses, not just during the holiday season. Mayor Coleman said “small businesses are the life blood of the city” and urged residents to shop locally. St. Paul is looking for ways to better support neighborhood business districts and small businesses. Ideas will be brought back to the City Council in early 2007. We are given small businesses a very hard time here. I really hope that we will try and rethink this. Thank you.

President Motzenbecker closed the public hearing.

Commissioner LaShomb: I think we need to talk a little about the history of this process for the new Commissioners and for the people watching on television. This was in front of the Planning Commission a cycle ago and at that time we had a pretty thorough discussion. I made the comment at that time that if you’re going to build a gas station, convenience store, car wash that this would be the model you would use. I foolishly moved into the fray and made a motion to get this approved and I think there were two people that voted for it and the rest of them demonstrated that they had a different view. Then a decision was made to lay this over so that we could take it to the Committee of the Whole where you will find out over time that you can have some pretty free wheeling discussion without taking penalties. What we asked the developer to do was to come in with an alternative that was consistent with the site plan that the city would like for this site. What is consistent, basically, is a facility that is on the corner so that pedestrians do not have to walk through parking and car wash lines and other things to get to a convenience store. Basically we’re trying to get our businesses up to the street because we want to promote a pedestrian friendly environment in the city of Minneapolis. This isn’t a new deal, we’ve done this many times. At the Committee of the Whole, we didn’t see things that satisfied us very much. My comment then still was “if you want to do a car wash on this site, fundamentally, this is probably as good as it’s going to get.” The fundamental question is do you want to do a car wash on this site. There have been some modifications and the developer should get some credit for those modifications. The fundamental issue from the staff perspective, and I think from our perspective, is that fundamentally the staff recommendations should not change. I’m going to stick my neck out again and see if I can redeem myself from two weeks ago. I’m going to move denial of the conditional use permit on item A (Tucker seconded).

Commissioner Norkus-Crampton: We've had pretty extensive conversations about this project. I guess I'm beginning to struggle a little bit with... I understand the rationale for trying to bring businesses and uses closer to the sidewalk, closer to the street, better access for pedestrians and certainly with all the curb cuts that we've seen on this site, pedestrian safety could still be an issue. How do you get from the corner to there without playing dodge with a lot of cars? Living in the city, it's not the first gas station on the corner that you have to deal with those kinds of issues. I do understand the rationale from a larger picture as far as trying to create things right on the corner, but when I look aesthetically and I live near the gas station where the gas station is, when I look aesthetically when I walk by that site, versus what's being proposed here, it's kind of hard to say which is a more enjoyable experience. I still get the feeling, walking by the gas station at Lyndale and 28th that you are kind of walking behind a building. I think they've done a lot with it to make it look as nice as it can be, but it's not like that building is bringing life to the street. When I look at this site, especially with the enhancements of the landscaping, the decorative fencing, I still have concerns about the curb cuts. I have concerns about all the drive through. It is on a corner. There's going to be a lot of people coming and going. When I look at it aesthetically, I think that this is a much more aesthetic project proposal at the street level for people driving by and walking by, but I understand the idea of the uses, trying to eliminate the curb cuts, all that other stuff. At this point I'm struggling. I think that they've tried to create something aesthetic on this site. It doesn't meet all our city's goals, I agree with that. It's why we have all these variances. I'm not pushing to set a bunch of new precedents on this. On the fact of it, it's hard for me to argue that some of the previous sites that we've seen as examples are nicer looking buildings and provide a more pleasant pedestrian experience than this proposal does.

President Motzenbecker: We have a vote for a CUP. All those in favor? Opposed? Abstain? The motion is for the staff recommendation to deny the CUP. All those in favor of denial? Opposed? Abstain?

The motion carried 4-1; 2 abstentions.

Commissioner LaShomb: Let's try the nonconforming use expansion. I'll move the staff recommendation which is denial (Tucker seconded).

President Motzenbecker: Moved and seconded. Any discussion? All those in favor of staff recommendation on this? Opposed? Abstain?

The motion carried 4-2; 1 abstention.

Commissioner LaShomb: I will move the staff recommendation on variance C, D, E, F, G and H (Tucker seconded).

President Motzenbecker: Moved and seconded. Any discussion? All those in favor of staff recommendation to deny? Opposed? Abstain?

The motion carried 5-1; 1 abstention.

Commissioner LaShomb: I will move denial of the site plan (Tucker seconded).

President Motzenbecker: Moved and seconded. Any discussion? All those in favor of staff recommendation to deny? Opposed? Abstain?

The motion carried 4-1; 2 abstentions.

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Expansion of Non-Conforming Use, Variances and Site Plan Review
BZZ-3198

Date: January 22, 2006

Applicant: Clay and Mia Lambert

Address of Property: 2700 University Avenue Southeast

Project Name: Prospect Park Citgo

Contact Person and Phone: Clay and Mia Lambert, (612) 298-8982

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: September 6, 2006

End of 60-Day Decision Period: November 5, 2006

End of 120-Day Decision Period: A 60-day extension letter was mailed on September 29, 2006, extending the 120-day decision period to January 4, 2007. The applicant has further extended the time for review to March 5, 2007.

Ward: 2 Neighborhood Organization: Prospect Park East River Road Improvement Association

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 22

Legal Description: Not applicable

Proposed Use: Automobile convenience facility

Concurrent Review:

Conditional use permit: to reconstruct an automobile convenience facility.

Expansion of a non-conforming use: to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.

Variance: to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle.

Variance: to reduce the east interior side yard setback from the required 7 feet to 4 (previously 0)feet to permit a stacking lane for the car wash.

Variance: to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash.

Variance: of the stacking requirements for the car wash from the required 13 (previously 15) to 7.

Variance: of the stacking requirement for the gasoline pump islands from the required 6 to 2.

Variance: of the parking requirement from the required 20 (previously 21) spaces (16 for the automobile convenience facility and second floor offices and 4 (previously 5) for the car wash) to 15 spaces.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guest of the use,” Chapter 530, Site Plan Review and Chapter 531, Nonconforming Uses and Structures

Background: The applicant is proposing to demolish the existing automobile convenience facility, including the gasoline pump islands and canopy, and reconstruct a new facility. The new automobile convenience facility will be two stories in height. On the second floor of the building there will be approximately 2,000 square feet of office space and approximately 3,130 square feet of storage space. The majority of the office space on the second floor will be rented out to others for their own personal use. The only portion of the site that is not going to be removed as part of this redevelopment are the underground gas tanks located on the northeast corner of the site.

The site is zoned C1, Neighborhood Commercial District. Automobile convenience facilities, existing on the effective date of the ordinance (November 1999), are a conditional use in the C1 district. Given this a conditional use permit is required in order to rebuild the facility. However, car washes are not a permitted use in the C1 district and therefore an expansion of a non-conforming use certificate is required in order to re-build the car wash on the site. Car washes are first allowed in the C2, Neighborhood Corridor Commercial District. The other applications that are being reviewed for this application include setback variances, variances to reduce the number of stacking spaces and parking spaces and site plan review.

Please note that the site is located two blocks from a proposed light rail transit station on the Central Corridor. Also, a small area plan titled *University Avenue SE/29th Avenue SE Transit Corridor Development Objectives* has been written and will be presented to the City Planning Commission for review and approval in the near future. Further, the Planning Division will be following up on the adoption of the above referenced plan and the SEMI plan with a rezoning study for review and approval by the City Planning Commission.

This development has not been reviewed at a Preliminary Development Review meeting with Public Works. The Planning Division reminded the applicant of this meeting via e-mail on September 15, 2006.

This development project was continued from the December 18, 2006, Planning Commission meeting. Since that time the applicants have made some modifications to the site plan and elevations. The changes that have occurred include increasing the east interior side yard setback from zero feet to four feet, reducing the length of the car wash, increasing the amount of landscaping on the site and revising the elevations.

CONDITIONAL USE PERMIT - to reconstruct an automobile convenience facility

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.

The Planning Division does not believe that an automobile convenience facility would be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area. Although there are residential uses located immediately to the south of the site, the property located at 2700 University Avenue Southeast has been utilized as an automobile convenience facility since 1963.

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 Planning Division believes that allowing the applicant to demolish the existing automobile convenience facility and reconstruct a new facility on the site would be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property. Although the property has been utilized as an automobile convenience facility since 1963, the type of use does not support adopted policies for designated Community Corridors and the site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*. The cumulative effect of the numerous variances and requested zoning code exceptions would result in a development that is not compatible with the surrounding area and that would likely discourage improvement of nearby properties.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

As for vehicular access, there are currently four access points leading into the site. Two are located along University Avenue Southeast and two are located along 27th Avenue Southeast. The applicant is proposing to reduce the number of access points leading into the site by one leaving one access point along University Avenue Southeast and two along 27th Avenue Southeast.

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

The parking requirement for an automobile convenience facility is one space per 300 square feet of gross floor area, for a car wash it is one space per 20 feet of washing line or bay and for an office it is one space per 300 square feet of gross floor area in excess of 4,000 square feet. Please note that all uses over 100 square feet are required to provide a minimum of four parking spaces regardless of their size. The size of the automobile convenience facility is approximately 3,720 square feet which requires 12 parking spaces, the length of the washing line is 88 feet which requires four parking spaces and the size of the office space is approximately 1,400 square feet which requires four parking spaces. In total, the parking requirement is 20 spaces. As proposed, there are a total of 15 parking spaces on site. The applicant has applied for a variance to reduce the number of parking spaces on the site.

In addition to the parking spaces, car washes and gasoline pump islands have a stacking requirement. The stacking requirement for a car wash is three spaces per 20 feet of washing line and the stacking requirement for a gasoline pump island is one space from each end of the pump island. The washing line is 88 feet in length which requires 13 stacking spaces and there are a total of three gasoline pump islands which requires six stacking spaces. As proposed, there are seven stacking spaces for the car wash and two stacking spaces for the gasoline pump islands. The applicant has applied for variances to reduce the stacking requirement for both of these elements of the site.

The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

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

The site is located on University Avenue Southeast which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors 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 these streets (Policy 4.2).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 4.2).
- Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movements, and expands the range of goods and services (Policy 4.2)
- 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 (Policy 4.4)

The Planning Division does not believe that an automobile convenience facility, in the form proposed by the applicant, would be in conformance with the above policies of *The Minneapolis Plan*. Intensive commercial uses, such as an automobile convenience facility, are better suited for Commercial Corridors rather than Community Corridors which University Avenue Southeast is designated.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

With the approval of the conditional use permit, expansion of a non-conforming use certificate, variances and site plan review this development will meet the applicable regulations of the C1 zoning district.

EXPANSION OF A NON-CONFORMING USE: to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and makes the following findings:

1 A rezoning of the property would be inappropriate.

The Planning Division believes that it would be inappropriate to rezone the property to accommodate a car wash. A car wash is first allowed in the C2, Neighborhood Corridor Commercial District. Although C2 zoning may be appropriate along University Avenue Southeast, which is a designated Community Corridor, such intensive automobile related uses are not desirable uses along Community Corridors

2 The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The existing automobile convenience facility and car wash are being demolished and a new facility will be constructed. The new building, which also houses the car wash, is proposed to be built along the south property line with the gasoline pump islands located between it and the property line along University Avenue Southeast. The stacking lane for the car wash will be located along the east property line. The Planning Division does not believe that the proposed site layout is compatible with adjacent properties or the vision for the neighborhood. The buildings in the immediate vicinity have been constructed near the property line along University Avenue Southeast. Constructing the proposed building towards the back of the site would be out of character with these structures. And again, as mentioned above, the site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*.

3 The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there will be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area and parking congestion on the surrounding streets. As far as noise, dust and odors, the Planning Division does not believe that the proposed use would have any adverse off-site impacts given that if the use were to be approved the applicant would have to comply with all local, state and federal regulations and requirements for automobile convenience facilities and car washes.

4 The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

Although the proposed building may be more aesthetically pleasing than the existing building, the Planning Division does not believe that the site layout is compatible with adjacent properties or the vision for the neighborhood and therefore would not improve the appearance or the stability of the neighborhood.

5 In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

No dwelling units will be constructed as part of this development.

6 The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

The site is not located in the Floodway District.

VARIANCE - to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle. The applicant has pointed out that current standards for automobile convenience facilities require larger retail spaces and longer car washes. The applicant has indicated that the need for the variance stems from the placement of the new curb cut further to the east in order to avoid congestion near the intersection of University Avenue Southeast and 27th Avenue Southeast and the desire to save an existing ash tree on the boulevard.

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.

Front yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Front yard setback: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. The site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*.

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.

Front yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

East interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash. The applicant has pointed out that current standards for automobile convenience facilities require larger retail spaces and longer car washes. The applicant has indicated that to comply with the setback requirement less productive car wash equipment would have to be utilized which causes a hardship.

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.

East interior side yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

East interior side yard setback: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. The site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*.

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.

East interior side yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash. The applicant has pointed out that current standards for automobile convenience facilities require parking spaces to be located in front of the building but also a greater distance between the parking spaces and the gasoline fuel pumps. The applicant has indicated that because of this the building has been located up to the south property line.

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.

Rear yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Rear yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. In this case there are residential uses immediately to the south of the site. Locating the building directly on the property line does not allow room for an appropriate transition area between the two uses. It should also be noted that by placing the building on the property line would make it difficult for the applicant to repair the building wall unless access easements from the adjacent property owners were granted.

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.

Rear yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - of the stacking requirements for the car wash from the required 13 to 7

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Car wash stacking: The applicant is seeking a variance of the stacking requirements for the car wash from the required 13 to 7. The applicant has pointed out that with the advancement of modern car wash technology, the need for strict car wash stacking requirements is not necessary. Tunnel-type car washes, which the applicant is proposing to use, takes approximately 1.5 minutes whereas the roll-up door type takes approximately 4.5 minutes. The applicant has indicated that to comply with the stacking requirement less productive car wash equipment would have to be utilized which causes a hardship.

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.

Car wash stacking: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Car wash stacking: The intent of providing stacking spaces for a car wash is to ensure that there is room on the site for those vehicles that are waiting to use the car wash without interfering with other operations of the site. The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation on the site where vehicles are not able to maneuver around one another.

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.

Car wash stacking: The Planning Division believes that the granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety. However, the Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

VARIANCE - of the stacking requirement for the gasoline pump islands from the required 6 to 2

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Gasoline pump islands stacking: The applicant is seeking a variance of the stacking requirement for the gasoline pump islands from the required 6 to 2. The applicant has indicated that the length of the gasoline pump islands have been shortened which will increase the customer's ability to navigate around the pump islands.

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.

Gasoline pump islands stacking: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Gasoline pump islands stacking: The intent of providing stacking spaces for gasoline pump islands is to ensure that there is room on the site for those vehicles that are waiting to use the gasoline pumps without interfering with other operations of the site. The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation on the site where vehicles are not able to maneuver around one another.

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.

Gasoline pump islands stacking: The Planning Division believes that the granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety. However, the Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

VARIANCE - of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces

Findings as Required by the Minneapolis Zoning Code for the Variance:

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.

Parking requirement: The applicant is seeking a variance of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces. The applicant has indicated that the design of the site and the nature of the business should allow customers to enter and exit with rapid speed unlike other types of retail businesses. The applicant has also indicated that it is expected that some customers will either walk or bike to the site.

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.

Parking requirement: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Parking requirement: The intent of providing parking spaces is to ensure that there are enough parking spaces on a site to accommodate all aspects of the use. The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is

potential to create a situation on the site where vehicles are not able to maneuver around one another.

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.

Parking requirement: The Planning Division believes that the granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety. However, the Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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.

- **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.**

PLANNING DEPARTMENT RESPONSE:

- The building does not reinforce the street wall or facilitate pedestrian access along University Avenue Southeast as the building is setback from the property line and there is no direct access to the entrance to the building from the public sidewalk without walking through the gasoline pump islands and the parking area. And although setback from the street, the building wall facing University Avenue Southeast incorporates several large windows which maximizes natural surveillance of the front of the site. The building does reinforce the street wall and facilitates pedestrian access along 27th Avenue Southeast as the building is located close to the property line and the entrance to the building is directly connected to the public sidewalk. However, the 27th Avenue Southeast side of the building is lacking windows and therefore does not maximize natural surveillance.
- The applicant is proposing to construct a small attendant building on the northwest corner of the site. This 60 square foot building would be located 25 feet from University Avenue Southeast and on the property line along 27th Avenue Southeast. The Planning Division believes that although this building is located closer to the corner of the site than the principal building that given its size in comparison to the principal building the intent of the zoning code is not being met. The Planning Division does not believe that any alternative has been provided that meets the intent of the city's policies and regulations related to building placement and traditional urban form.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The building is setback approximately 93 feet from University Avenue Southeast and approximately 8 feet from 27th Avenue Southeast.
- The area in between the building and the property line along University Avenue South is occupied by parking spaces, gasoline pump islands, stacking lanes for the gasoline pump islands and drive aisles. The area in between the building and the property lines along 27th Avenue Southeast is occupied by green space and a walkway leading to the building.
- There are two principal entrances leading into the building. One is oriented towards University Avenue Southeast and the other is oriented towards 27th Avenue Southeast.
- All of the on-site parking associated with this development is located directly in front or to the east of the building.

- The exterior materials of the structure include masonry, corrugated metal panels and a cement based material. The sides and rear of the building are similar to and compatible with the front of the building.
- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. In the previous plans the south building wall was blank but has since been revised to include vertical columns spaced evenly along the facade.
- At least 30 percent of the first floor of the building and at least 10 percent of the upper floors of the University Avenue Southeast, 27th Avenue Southeast and east sides of the building are required to be windows. The analysis of the project's compliance with these requirements follows:
 - University Avenue Southeast: the percentage of windows on the first floor is 30 percent and the percentage of windows on the second floor is 22 percent.
 - 27th Avenue Southeast: the percentage of windows on the first floor is 17 percent and the percentage of windows on the second floor is 22 percent.
 - East side: the percentage of windows on the first floor is zero percent and the percentage of windows on the second floor is 12 percent.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be flat. This roofline is similar to other buildings found in the area.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

PLANNING DEPARTMENT RESPONSE:

- Both of the principal entrances leading into the building are directly connected to the public sidewalk along 27th Avenue Southeast.
- No transit shelters are proposed as part of this development.
- All of the on-site parking associated with this development is located directly in front or to the east of the building.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the C1 district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan there is 2,234 square feet of landscaping on the site.

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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 23,169 square feet. The footprint of the building is 5,666 square feet. When you subtract the footprint from the lot size the resulting number is 17,503 square feet. Twenty percent of this number is 3,501 square feet. According to the applicant's landscaping plan there is 2,234 square feet of landscaping on the site or approximately 12.7 percent of the site not occupied by the building.
- The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is 7 and 35 respectfully. The applicant is proposing to have two canopy tree and 92 shrubs located on the site. The applicant is also providing one ornamental tree and 200 perennials on the site.
- A seven-foot wide landscaped yard is required along all four sides of the property given the nature of the business. This requirement is not being met along University Avenue Southeast or the east or south sides of the property. However, this requirement is being met along the 27th Avenue Southeast side of the property.
- The applicant is proposing to locate a nine-foot, nine-inch high solid wood fence along the south property line. This fence would help screen the site from the adjacent residential uses to the south. Please note that fences over six feet in height require a fence height variance.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- The majority of the site is covered with impervious surfaces. In the written responses to the conditional use permit findings, the applicant has indicated that an appropriate landscaping and irrigation plan will be developed.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has not reviewed the project in regards to crime prevention design elements. CPTED standards typically call for buildings that reinforce a street presence and allow for direct observation between the public sidewalk and the interior or the building. The City has reviewed and approved other automobile convenience facilities that offer direct surveillance of both the public street and the gasoline pump islands.
- This site is neither historically designated nor located in a historic district.

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:

- **Use:** Automobile convenience facilities, existing on the effective date of the ordinance (November 1999), are a conditional use in the C1 district. Car washes are not a permitted use in the C1 district. However, because there is an existing car wash on the site the applicant has applied for an expansion of a non-conforming use certificate in order to re-build the car wash on the site.
- **Off-Street Parking and Loading:** The parking requirement for an automobile convenience facility is one space per 300 square feet of gross floor area, for a car wash it is one space per 20 feet of washing line or bay and for an office it is one space per 300 square feet of gross floor area in excess of 4,000 square feet. Please note that all uses over 100 square feet are required to provide a minimum of four parking spaces regardless of their size. The size of the automobile convenience facility is approximately 3,720 square feet which requires 12 parking spaces, the length of the washing line is 88 feet which requires four parking spaces and the size of the office space is approximately 1,400 square feet which requires four parking spaces. In total, the parking requirement is 20 spaces. As proposed, there are a total of 15 parking spaces on site. The applicant has applied for a variance to reduce the number of parking spaces on the site.
- **Maximum Floor Area:** The maximum FAR in the C1 district is 1.7. The lot in question is 23,169 square feet in area. The applicant proposes a total of 10,796 square feet of gross floor area, an FAR of .47.
- **Building Height:** Building height in the C1 district is limited to 2.5 stories or 35 feet, whichever is less. The applicant is proposing a two-story building or approximately 28 feet.

- **Minimum Lot Area:** The minimum lot area for automobile convenience facilities with gasoline fuel pumps and car washes is 12,000 square feet in the C1 district. The lot in question is 23,169 square feet in area.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** This development is located in the C1 district. The front yard setback requirement is 15 feet for the first 40 feet west of the east property line because of the proximity to the adjacent office residence district. The interior side yard and rear yard setback requirements for this development are 5+2x, where x equals the number of stories above the first floor. The resulting setback along these two sides of the site is 7 feet. The corner side yard setback for this development is zero feet. The applicant has applied for variances to reduce the front, interior and rear yard setbacks.
- **Specific Development Standards:** Both automobile convenience facilities and car washes are subject to specific development standards:

Automobile convenience facility:

- The sale or repair of vehicles shall be prohibited.
- 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.
- 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.
- 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.
- Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Car wash:

- Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
 - Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
 - All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.
 - 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.
- **Hours of Operation:** The hours of operation in the C1 district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the use is open from 6 am to 11 pm. In order to stay open until 11 pm

Sunday through Thursday, the applicant would need to apply for a conditional use permit for extended hours of operation.

- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 District one can have 1.5 square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot. If there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The maximum height of any sign is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have a freestanding sign located on the northwest corner of the property. An elevation of the freestanding sign was submitted but because it was not to scale the Planning Division could not verify any of the dimensions.
- **Refuse storage:** The applicant is proposing to have an enclosed refuse container located on the east side of the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

The site is located on University Avenue Southeast which is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).

The Planning Division does not believe that the site layout is in conformance with the above policies of *The Minneapolis Plan*. The site has been developed with the building located away from the corer, a minimal amount of landscaping, no direct connection between the public sidewalk and the building and a lack of appropriate parking or stacking spaces.

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.

PLANNING DEPARTMENT RESPONSE:

- In the current layout, alternative compliance would be needed for several aspects of the development. However, the Planning Division believes that the site could be arranged differently eliminating the need for alternative compliance.

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 **deny** the conditional use permit application to reconstruct an automobile convenience facility located at 2700 University Avenue Southeast.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of a non-conforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application of the stacking requirements for the car wash from the required 13 to 7 located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application of the stacking requirement for the gasoline pump islands from the required 6 to 2 located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review for the property located at 2700 University Avenue Southeast.

Attachments:

1. Updated letter describing the revised plans and applications.
2. Letter from ASI, Inc. regarding the car wash facility
3. Statement of proposed use
4. Conditional use permit, expansion of a non-conforming use and variance findings
5. June 2, 2006, e-mail to Council Member Gordon
4. June 2, 2006, letter to PPERRIA
5. Letters from surrounding property owners
6. Zoning Map
7. Site plan, floor plans and elevations
8. Landscaping plan and plant schedule
9. Photographs of the site and surrounding area