

Minneapolis City Planning Department Report
**BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces**
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Hearing Date: 3/17/03 (continued from the 2/10/03 Planning Commission hearing)

Date Application Deemed Complete: 1/3/03

End of 60-Day Decision Period: 3/4/03, extended to 5/3/03

Applicant: Jerald Thompson, 2601 Pleasant Ave. S. 55408-1442, 612-871-9476

Address of Property: 2601 Pleasant Ave. S. 55408-1442

Contact Person and Phone: Steve Dwyer, project architect, 5605 Blaisdell Ave. S., 612-758-4214, fax: 612-758-9214

Staff Contact Person and Phone: J. Michael Orange, City Planner (voice: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; Email: michael.orange@ci.minneapolis.mn.us)

Ward: 6 **Neighborhood Organization:** Whittier Alliance

Existing Zoning: R5, Multiple Family District

Proposed Use: New residence to be built on top of an existing minor auto repair use. Petition to rezone the site to C1, Neighborhood Commercial District.

Authority:

- **Validity of petition:** The City Attorney's Office confirmed the validity of petition on 3/4/03.
- **Expansion of a nonconforming use:** Section 531.50 provides for expansion of nonconforming use approvals.
- **Site Plan Review:** This application modifies an existing site plan review approval for the site (PR-307).
- **Yard variances:** Section 525.520 (1) provides for yard variances.
- **Parking variance:** Section 525.520 (6) provides for the parking variance.
- **Maximum lot coverage and impervious surface variances:** Section 525.520 (15) provides for these variances.

Concurrent Review: None

If you need more information or have special needs, please call the
Minneapolis Planning Department at 612-673-2597.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking, Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Prior Approvals:

- **PR-307:** the City Planning Commission approved the prior site plan review application on 3/17/95.
- **O-423:** Board of Adjustment approved a nonconforming use certificate on 2/22/95 to B3C, Community Commercial District. Nonconforming rights date back to 1963.

BACKGROUND

Project: The applicant is proposing to build a residential unit on top of the existing auto repair business for the business owner, Mr. Jerald Thompson. This triggers the need to modify the prior-approved site plan review for the site (PR-307). This project includes the following components:

- Addition of a second-floor residence and rooftop garden area (refer to following table).
- Addition of a staircase to the second floor residence on the north side of the building. Currently this area has some grass and a private sidewalk.
- Close the curb cut on 26th St. W.
- Addition of landscaping and two trees to the site.
- Planning staff recommend the applicant narrow the curb cut on Pleasant Ave. S. from 36 ft. to a maximum of 25 feet, however, the applicant objects to this recommendation.

	Existing	New	Percent Change
Building size	2,587	2,587	
Shed size	379	379	
Staircase to residence		60	
Residence		1,064	
Subtotals	2,966	4,090	38%

Eliminate nonconformity: The applicant seeks to rezone the property to make the use conforming, and obtain variances to make the manner in which he operates the use as conforming (refer to table below). The following details these applications:

- **Petition:** The existing minor auto repair business has been a legal nonconforming use since 1963 with the adoption of the 1963 Zoning Code. The building dates back to the early 1950s as an auto repair garage. The applicant seeks to rezone the site to C1, Neighborhood Commercial District. Minor auto repair uses that are existing on the effective date of the Zoning Ordinance are first allowed as a conditional use in this district, as are mixed-use projects. The C1 District is the least intense zoning that would make the use a conforming use.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

- **Yard variances:** The following yard variances are needed regardless of whether the City rezones the site to a commercial district:
 - **Yard size:** The existing business has yards that do not meet the R5 District standards or the C1 standards. (Yard requirements for residence or office-residence districts define the yard requirements for commercial districts that abut them; refer to the table below.) The application includes variances for these yards.
 - **Obstructions in yards:** The Zoning Code prohibits obstructions in required yards. The applicant has an encroachment permit from the City to park in the public right-of-way on Pleasant Ave. S., and he has been using that permit to park cars on both the public right-of-way and the required front yard on Pleasant Ave. S. The granting of the yard variance to zero on Pleasant Ave. would legalize this practice provided he maintains the encroachment permit.
- **Parking variance:** Since the setback requirements in the R5 District (and the commercial districts) on all four sides run through the existing building, the site can include no “legal” stalls. It has five “grandfathered” stalls and the parking requirement is six. The proposed variance is for the remaining stall and it is needed regardless of whether the City rezones the site to a commercial district.
- **Maximum lot coverage and impervious surface variances:** The Code limits lot coverage and impervious surfaces to 70% and 85% respectively in the residential and office residential districts. The existing lot is 4,045 sq. ft. The footprint of the existing building is 2,966 sq. ft., which equals 75% of the site, and the existing building and paving cover 92% of the site. These variances are needed only if the City decides not to rezone the site to a commercial district.

The following describes the variances:

Variances	R5 District Requirement	C1 District	Proposed	Variance (C1 Districts)
Front yard along Pleasant Ave.	15'	15' for first 40'	0'	15' for first 40'
Rear yard (east property line)	7'	7'	0'	7'
Corner side yard on 26th St.	10'	10' for first 40'	0'	10' for first 40'
Interior side yard (south property line)	7'	7'	3.5'	3.5'
Maximum lot coverage	70%	not applicable	75%	not applicable
Impervious surface	85%	not applicable	92%	not applicable
Parking	6	6	5 grandfathered stalls	1

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Expansion of a nonconforming use application: The Planning Department recommends against the rezoning to commercial. In lieu of rezoning the site to C1, the Planning Department recommends approval of an expansion of a nonconforming use permit for this mixed-use project. Since neither a single family residence nor a mixed use building is an allowable use in the R5 District, this permit is needed for the project to proceed.

Project description: The following information about the project from the applicant's representative, Mr. Steve Dwyer, the project architect:

Mr. Thompson would like to make substantial improvements to his property to the extent that he would make it a home as well as his place of business. An addition upward 14' will encompass an apartment, patio, and garden. The existing block building is 2,600 square feet. The design proposal will utilize the entire roof with approximately 1,000 S.F. being allocated to the residence and the remainder turned into a rooftop patio and garden. The existing building footprint will expand approximately a mere 60 S.F. on the north side of the property (for an access stairway). This is not an expansion of the business and the customer volume will remain in its current state. The residence is being designed and built for Mr. Thompson. It is not intended for rental use.

In order for Mr. Thompson to build a residential unit, the property must be rezoned from an R5 legal non-conforming use to a C-2 commercial property. This is the only way the city will allow a residential unit to be combined with a commercial building. The property currently, as defined in its legal description, is allowed to continue as an automotive repair facility in perpetuity. Rezoning the property will continue its current commercial use, however future use would not be limited to auto repair.

In conjunction with adding an apartment on the roof of the existing structure, Mr. Thompson is planning to improve the appearance of the existing building through new surface treatment and rebuild the dilapidated shed on the south side of his property. Due to the existing building footprint, setback variances will be required in order to accomplish any of the improvements he seeks to make (if the property is not rezoned).

. . . Mr. Thompson and I have agreed to limit development of design until we can be confident the project, in general, is supported by the neighborhood and city. This is to protect Mr. Thompson's financial interests in the event the city ultimately denies his rezoning request. While we are unable to commit to a particular surface treatment for the mass of the new and the existing building, we are working with the understanding that these materials should match and have a monolithic aesthetic as found in stucco or a painted exterior insulated finish

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

system. A painted textured metal panel, as seen in many modern residential applications, will be incorporated in both the east and west elevations. The garden will be screened in a translucent fabric or acrylic panel. (see elevations)

Neighborhood review: The applicant presented to the Whittier Alliance on 12/19/02 and the group approved the project (Attachment 6).

FINDINGS

A. Findings as Required by the Minneapolis Zoning Code for the Rezoning Petition for the Property at 2601 Pleasant Ave. S.:

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

The following firsts lists the applicable plans and policies of the City and then evaluates both the project and the proposed rezoning in relation to these plans and policies:

a. The *Minneapolis Plan* (adopted by the City Council, Mayor, and Minneapolis Planning Commission, March 2000):

The Plan includes the following policies most relevant to the entire project:

Land Use Policy Map: The site is within an area designated as high density residential on the Land Use Policy Map.

Policy 2.8: Minneapolis will develop the existing economic base by emphasizing business retention and expansion.

Implementation Steps (selected):

- Promote business start-ups, retentions and attractions. Foster a healthy business environment by encouraging access to the resources and information necessary for successful operation.

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

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Implementation Steps (selected)

- Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate. (Although this policy applies to Community Corridors, it also implies the appropriateness of residential units over existing commercial where appropriate.)
- Ensure that commercial uses do not negatively impact nearby residential areas.

Policy 9.31: Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design features of each area that give it a unique and urban character. (The Plan designates the area in the vicinity of Nicollet and 26th St., located three blocks to the east of the site, as an Activity Center.)

Policy 9.5: Minneapolis will support the development of residential dwellings of appropriate form and density.

b. Other Plans and Policies:

The City uses several other plans and policies to guide decision making and evaluate proposals including the following:

(1) Year 2001 City Goals (adopted by Mayor and City Council July 14, 2000, excerpted)

- Increase the City's population and tax base by developing and supporting housing choices citywide through preservation of existing housing and new construction.

(2) Housing Principles (adopted by City Council and Mayor, July 6, 1995, excerpted)

- The variety of housing types throughout the city, its communities, and the metropolitan area shall be increased, giving prospective buyers and renters greater choice in where they live.
- Housing markets that area already strong shall be preserved and strengthened.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

c. Consistency of the Project and the Rezoning with City Plans and Policies:

- The Plan designates areas appropriate for commercial uses, including the Activity Center at Nicollet and 26th and along Nicollet Ave. The closest commercial zoning is 2 ½ blocks to the east along Nicollet Ave. where the City encourages neighborhood-level commercial activity and increased commercial vitality. The commercial intensity allowed by the proposed rezoning to C1 is appropriate in areas of the City so designated by the Plan. The Plan does not designate this area, nor would it qualify for designation. Since the site is within an area designated as high density residential, to rezone it for commercial use is inconsistent with the Policy Plan and Policy 4.2.
- Even though the auto repair facility has been at this location for many years, to rezone this site for commercial uses would conflict with Policy 4.2, which requires that commercial uses not negatively impact nearby residential uses.
- The addition of the residential unit above the existing business is consistent with the Plan, however, the existing zoning allows this to occur.

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

The business is located 2 ½ blocks to the west of a large C2 district along Nicollet Ave. but within an area zoned residential. The applicant requests the rezoning so that the existing auto repair use will become conforming as to use (minor car repair uses are allowed as conditional uses in the C1 district.) The rezoning is solely for the interest of the property owner.

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

A rezoning must look beyond the current use and examine the impact of other uses allowed in the proposed district. The area has a mix of medium to high-density residential uses and zoning districts. The proposed rezoning to C1 will allow some uses that might not be compatible with the existing residential uses and zoning districts. Although the proposed project will have no impact on traffic

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

and noise, other commercial activities the new zoning district would allow could have an adverse impact on the residents of the area.

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

The existing business can continue to operate under the current R5 zoning as a legal nonconforming use.

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

There have been few substantive changes in the immediate area.

B. Findings as Required by the Minneapolis Zoning Code for the Expansion of a Nonconforming Use for the Property at 2601 Pleasant Ave. S.:

The Planning Department recommends that the City not approve the petition to rezone to commercial on the site. The Zoning Code provides an alternative means to allow this mixed use project to proceed through the issuance of an expansion of a nonconforming use permit. Planning staff believe that the City should approve this permit in lieu of the rezoning petition. The following provides the necessary findings regarding this permit:

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

- 1. A rezoning of the property would be inappropriate.**

As stated above, rezoning the site to commercial would not be consistent with the *Minneapolis Plan*. A rezoning must look beyond the current use and examine the impact of other uses allowed in the proposed district. The proposed rezoning to C1 will allow some uses that might not be compatible with the existing residential uses and zoning districts. Although the proposed project will have no impact on traffic and noise, other commercial activities the new commercial zoning district would allow could have an adverse impact on the residents of the area.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

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

This mixed use project involves no increase in size or intensity of the existing nonconforming use, the minor auto repair facility. The proposed residential addition requires a minor (2%) increase in the building footprint to accommodate a staircase to the new second floor residence, and a 1,124 sq. ft. (38%) increase in the size of the building. The applicant will alter the shed on the south side of the building but not change its size or use. The project will include a complete makeover of the façade of the existing building and shed, the addition of a second story residential unit and rooftop garden that will be compatible with the surrounding residential units, and site improvements (Attachments 3 & 4). These improvements will enhance the existing building and site and make it more compatible with the surrounding residential uses.

- 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 proposed improvements will have no substantive adverse impact on traffic and congestion, noise, etc.

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

Refer to the response to Finding 2.

- 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.**

The R5 District allows high density residential uses. The project is a single family residence.

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

The site is not located in a floodway.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

7. **The enlargement, expansion, relocation, structural alteration or intensification is consistent with the policies of the comprehensive plan.**

Refer to the response to Finding 1 in the prior section of this report dealing with the rezoning petition.

C. **Findings as Required By the Minneapolis Zoning Code for the Yard, Parking, Maximum Yard Coverage, and Impervious Surface Variances for the Property at 2601 Pleasant Ave. S.**

The Board of Adjustment and Planning Commission shall not vary the regulations of the zoning code, unless it makes each of the following findings based upon the evidence presented to it in each specific case:

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

Yard variances: The applicant's statement follows: "Mr. Thompson would like to make substantial improvements to his property. Due to the fact that none of the existing building meets the setback requirements, any work done in the future to better the property will entail a setback variance. The scope of this project includes rebuilding the existing dilapidated shed on the south, resurfacing the existing garage, and building an entrance on the north side of the property to access the new apartment above. The additional footprint on the property for the apartment entrance will be approximately 60 SF. Undue hardship is demonstrated in that under the current zoning restrictions none of the above stated improvements may be implemented."

- **Yard size:** The existing building, which was built when the site was zoned for commercial use, sits within the yards required by the current Zoning Code. The only way to satisfy the yard requirements of the Code would be to demolish the building.
- **Parking in the front yard:** The Zoning Code prohibits obstructions in required yards. The applicant has an encroachment permit from the City to park in the public right-of-way on Pleasant Ave. S., and he has been using that permit to park cars on both the public right-of-way and the required front yard on Pleasant Ave. S. The granting of the yard variance to zero on Pleasant Ave. would legalize this practice provided he maintains the encroachment permit. The applicant attests that his auto repair business depends on the ability to park up to ten vehicles in the front yard.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Parking variance: As stated above, the setback requirements in the R5 District on all four sides run through the existing building. As such, the site can include no “legal” stalls. It has five “grandfathered” stalls and the parking requirement is six. The only way to satisfy the parking requirements of the Code would be to demolish the building. The applicant has obtained an encroachment permit from Public Works to park vehicles in the public right of way between the building and the sidewalk along Pleasant Ave. S. (Attachment 8). With this encroachment permit, the applicant is able to park up to ten vehicles on the site. However, none of these stalls can be counted as “legal” stalls per the requirements of the Code. Without the parking variance and the ability to continue to park vehicles on site this way, the business could not function, according to the applicant.

Lot coverage and impervious surface variance: As stated above, the Code limits lot coverage and impervious surfaces to 70% and 85% respectively. The existing building covers 75% of the lot and the existing building and paving cover 92% of the lot. The only way to satisfy the lot coverage requirement of the Code would be to demolish the building. The only way to satisfy the impervious surface requirements of the Code would be to eliminate most of the paving on the site, which is possible. The proposed project will increase the lot coverage slightly. The 60 sq. ft. needed for the stairway to access the second floor residence equals a 2% increase in the lot coverage. The proposal will increase the landscaping on the site and decrease impervious surfaces slightly.

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.**

Yard variances: The applicant’s statement follows: “We believe uniqueness is evidenced in the very nature of this project. It is rare, if at all one sees a residential unit built above an existing commercial property. Furthermore this project is unique in that it is the property *and* business owner who seek to live on what is now a legal non-conforming use property. In seeing this project built it may be assumed (although we believe it to be a tenuous assumption) that a property owner/developer may see opportunity for profit following in the footsteps of Mr. Thompson. The clear distinction in this case is that the apartment being designed is for Mr. Thompson and not for rent/profit. The current zoning restrictions pose no economic considerations for Mr. Thompson.”

- **Yard size:** The site is unique. It has two undersized lots. When built, the building conformed to the Zoning Code. The property became a nonconforming use when the City downzoned the site and area in 1963.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

- **Parking in the front yard:** The practice of parking vehicles in the front yard dates back many years, according to the applicant, because of the small lots.

Parking variance: As stated above, the existing building occupies virtually the entire site, so there is no room for parking stalls that meet the requirements of the Zoning Code.

Lot coverage and impervious surface variance: Refer to the prior responses and the response to Finding 1.

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.**

Yard variances: The applicant's statement follows: "Because the scope of the project alters such a minimal amount of area on the site it is our belief that we are in line with the intent of the current zoning ordinances. Moreover, because we are adding residential square footage to the property we are operating with the assumption that our project moves closer to adherence with the surrounding R-5 properties. The Whittier Neighborhood is an exceptionally diverse community. Its diversity comes not merely from its people but also from its built surroundings. Architectural variety surrounding 2601 Pleasant can be found in the working class homes and businesses built around the turn of the century to the upper class Victorian homes seen farther north to the string of modernist buildings that define Nicollet Avenue as a Midwestern architectural gem. The expansion of Mr. Thompson's property is perfectly in line with qualities found in the variety of buildings within the Whittier neighborhood and we believe the proposed change will transform a nondescript building into a community treasure."

- **Yard size:** The standard setbacks in the Zoning Code are appropriate for standard city lots. However, the standard is the source of the hardship for this particular site because of the small size of the two lots and the prior existence of the building.
- **Parking in the front yard:** Refer to the following response.

Parking variance: This business has been operating here with this condition of a lack of legal parking stalls since 1963 with no substantive detriment to the neighborhood and surrounding uses. The variances will legalize what has been happening on this site.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Lot coverage and impervious surface variance: Refer to the prior responses and the response to Finding 1.

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.**

Yard variances: The applicant's statement follows: "The scope of work does not entail expanding the business and there will be no increase in the volume of traffic. Mr. Thompson for all intensive purposes lives at his place of business so space for his own vehicle is already accounted for in the current parking condition. We fully believe it will benefit the neighborhood to have someone living at the corner of 26th and Pleasant in that crime will be less likely to happen around a residential property when people are around."

Parking variance: This is an existing condition. The proposal will have no affect on traffic or congestion. The proposed improvements will enhance the pedestrian environment surrounding the site.

Lot coverage and impervious surface variance: Refer to the prior responses and the response to Finding 1.

D. Site Plan Review

1. Required Findings for Major Site Plan Review

- a. **The site plan conforms to all applicable standards of Chapter 530, Site Plan Review (refer 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 (refer to the above discussions).**
- c. **The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).**

Section A: Conformance with Chapter 530 of Zoning Code

Building Placement and Facade:

- **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.**

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Planning Department Evaluation of Building Placement and Façade Requirements:

- **Front:** The front of the existing building is 7 feet from the property line and 15 feet from the sidewalk on Pleasant Ave. S. Currently, the area between the building and the sidewalk is used for parking. The Public Works Department issued an encroachment permit for the public right-of-way (Attachment 8). If approved, the subject variance will legalize parking in the front yard. Planning staff recommend the project include a decorative fence between the parked cars and the sidewalk as a required amenity and to partially screen the cars. However, the applicant objects to this recommendation (refer to the statement below regarding curb cuts).
- **North side:** The north side, which will include the new staircase, will be on the property line and 8 feet from the sidewalk on 26th Ave. W. The applicant will obtain an encroachment permit to add landscaping this area.
- **South side:** The south side of the existing building is 3 ½ feet from the property line. This area will include additional landscaping.
- **Parking:** The parking will continue to be between the front of the building and the sidewalk. It will be partially screened from view by the new decorative fence as recommended by the Planning Department.
- **Façade and windows:** The new residence will include a glass façade on the south side, windows on the other three sides, and a screened-in porch on the rooftop.

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.**

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

Planning Department Evaluation of Access and Circulation:

- **Curb cuts:** The project will close the curb cut on 26th Ave. W. The applicant wished to retain the one on 26th St., however, it is oversized at 36 feet. The applicant states the following: “The existing curb cut on Pleasant has been a necessary part of the business since before the current zoning guidelines were implemented and continue to be. The size of the existing cut allows Mr. Thompson to maneuver cars safely from the parking area to the service bay. Additionally, a barrier placed along the sidewalk and the parked cars on the north west end of the property will create an undue hardship as it will not allow for car doors to be opened safely while maintaining a safe distance in front of the office entry--see site plan.” The Zoning Code limits curb cuts to 25 feet. Planning staff recommend the Code be followed in this case.
- **Snow storage:** The applicant intends to store snow on the northwestern portion of the site.
- **Impervious surfaces:** The site is located within the jurisdiction of the Minnehaha Creek Watershed Management Organization. The project would decrease the amount of impervious surfaces by the addition of landscaping. Since the land disturbing activities are less than one acre, the applicant will not have to obtain approval from the Public Works Department for a Stormwater Management Plan.

Landscaping and Screening:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
- **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
 - **A decorative fence.**
 - **A masonry wall.**
 - **A hedge.**

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The City Planning Commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

Planning Department Evaluation of Landscaping and Screening:

- **Landscaping and screening:** To meet the Zoning Code requirements 216 sq. ft. of landscaping is required. The project will include the landscaping of all practical areas, however, the existing building and parking arrangement allows only 150 sq. ft., 14% of the net site. The rooftop garden (1,628 sq. ft.) can be counted as a landscape amenity for the residence (refer to the table below). The applicant is considering landscape improvements in the public right-of-way. The project exceeds the minimum requirements for trees and bushes.

Area	Landscaping (sq. ft.)	Percent of Net Site
On site:	150	14%
Rooftop garden:	1,628	151%
Subtotal:	1,788	166%
Public ROW:	to be determined	

The Code at 530.160 requires three-foot-high screening between the parked cars and the sidewalk that is 60% opaque, and a tree every 25 feet. As stated above, Planning staff recommend a compromise that the project include a decorative fence to partially comply

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

with these regulations. However, the applicant objects to this recommendation (refer to the statement above regarding curb cuts).

Additional Standards:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260: The Police Department has reviewed the plans.**
- **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 Evaluation of the Additional Standards:

- The applicant is committed to installing lighting fixtures that will prevent glare from escaping the site.
- The proposed landscaping and the decorative fence proposed by Planning staff will help screen headlight glare from leaving the site.
- The project will not block views of important elements of the City.
- The building will have no significant impact on the generation of pedestrian-level winds.

2. Alternative Compliance: The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

Planning Department Analysis Regarding Alternative Compliance:

Based on the above analysis, the project is not in compliance with Chapter 530 of the Zoning Code in the following ways:

1. The project continues to include parking between the front of the building and the street on Pleasant Ave. S.
2. Currently the parking area does not include screening and landscaping between it and the public sidewalk.
3. There are no amenities between the front of the building and the street on Pleasant Ave. S.
4. The curb cut on Pleasant Ave. S. exceeds the Code's maximum width.

The applicant speaks to these points: "We realize there are a number of exceptions being requested in the scope of this project. These exceptions however, are not setting out to break rules. They are requested as a continuation of the existing conditions that were implemented before the current guidelines. Strict adherence to the guidelines creates a change that will adversely effect Mr. Thompson's business and property, but more importantly we believe it will adversely effect public safety. It should be noted here also that a site plan review was performed for Mr. Thompson in 1995 and approved by the city.

"Mr. Thompson has always tried to be sensitive to the needs and safety of his neighbors given the exceptional restrictions of his property and will continue to do so. We have great support for the existing parking situation as demonstrated in the petition included in our application and believe that support carries through to the issues addressed above."

These deficiencies are primarily the result of the building being built to the standards applicable at the time of construction when the site was zoned for commercial use. To mitigate these deficiencies, Planning staff recommend the project include a decorative fence between the parked cars and the sidewalk as a required amenity and to partially screen the cars and the reduction of the curb cut to 25 feet. However, the applicant objects to these recommendations (refer to the statement above regarding curb cuts).

RECOMMENDATIONS OF THE MINNEAPOLIS CITY PLANNING DEPARTMENT

- A. Petition:** The City Planning Department recommends that the City Planning Commission **deny** the petition to rezone the property at 2601 Pleasant Ave. S. to C1.
- B. Expansion of a nonconforming use:** In lieu thereof the rezoning petition, the City Planning Department recommends that the City Planning Commission **approve** the expansion of a nonconforming use permit for the property at 2601 Pleasant Ave. S. subject to the following conditions:

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

1. Approval by the Planning Department of the final construction drawings, the elevations, the lighting plan, and the landscape plan.
2. The applicant reduces the curb cut on Pleasant Ave. S. to a maximum of 25 feet.
3. The applicant includes a decorative fence and curbing between the parked cars and the sidewalk along Pleasant Ave. S.
4. The applicant continues to have an encroachment permit from the City to park cars in the public right of way along Pleasant Ave. S.
5. If the applicant fails to have an encroachment permit from the City to park cars in the public right of way along Pleasant Ave. S., or the business on the site changes to anything other than minor auto repair, the applicant will landscape this area consistent with the Zoning Code.
6. The applicant shall apply for an encroachment permit to add trees to the public right of way on Pleasant Ave. and 26th Ave. W. and shall install the trees.

C. Variances: The City Planning Department recommends that the City Planning Commission **approve** the yard, parking, maximum lot coverage, and impervious surfaces variance applications for the property at 2601 Pleasant Ave. S. subject to the following conditions:

1. Approval by the Planning Department of the final construction drawings, the elevations, the lighting plan, and the landscape plan.
2. The applicant reduces the curb cut on Pleasant Ave. S. to a maximum of 25 feet.
3. The applicant includes a decorative fence and curbing between the parked cars and the sidewalk along Pleasant Ave. S.
4. The applicant continues to have an encroachment permit from the City to park cars in the public right of way along Pleasant Ave. S.
5. If the applicant fails to have an encroachment permit from the City to park cars in the public right of way along Pleasant Ave. S., or the business on the site changes to anything other than minor auto repair, the applicant will landscape this area consistent with the Zoning Code.
6. The applicant shall apply for an encroachment permit to add trees to the public right of way on Pleasant Ave. and 26th Ave. W. and shall install the trees.

Minneapolis City Planning Department Report
BZZ-1032: Rezoning Petition (R5 to C1), Site Plan Review, Variances for Yard, Parking,
Maximum Coverage, and Impervious Surfaces
Foreign Auto Specialties and Thompson Residence, 2601 Pleasant Ave. S.

- D. Site Plan Review:** The City Planning Department recommends that the City Planning Commission **approve** the Site Plan Review application for the property at 2601 Pleasant Ave. S. subject to the following conditions:
1. Approval by the Planning Department of the final construction drawings, the elevations, the lighting plan, and the landscape plan.
 2. The applicant reduces the curb cut on Pleasant Ave. S. to a maximum of 25 feet.
 3. The applicant includes a decorative fence and curbing between the parked cars and the sidewalk along Pleasant Ave. S.
 4. The applicant continues to have an encroachment permit from the City to park cars in the public right of way along Pleasant Ave. S.
 5. If the applicant fails to have an encroachment permit from the City to park cars in the public right of way along Pleasant Ave. S., or the business on the site changes to anything other than minor auto repair, the applicant will landscape this area consistent with the Zoning Code.
 6. The applicant shall apply for an encroachment permit to add trees to the public right of way on Pleasant Ave. and 26th Ave. W. and shall install the trees.
 7. The site improvements shall be completed by February 28, 2004 or the permit may be revoked for noncompliance.
 8. A performance bond may be required for all applicable site improvements over \$2,000 (paving, curbing, curb cuts (new and closures), striping, landscaping, and fencing). Subject to approval by Public Works, the performance bond, if required, is due prior to the issuance of building permits or the permit may be revoked for noncompliance.

Attachments:

1. Zoning in the general area
2. Zoning and lot lines in the immediate area
3. Site plan and landscaping plan, floor plans, and elevations
4. Rendering
5. Photos of the site
6. Letter from the Whittier Alliance
7. Information from the applicant
8. Encroachment permit for parking
9. Data sheet from the Zoning Office
10. Comment from a neighbor