

**Department of Community Planning and Economic Development-Planning Division
BZZ – 1117: Conditional Use Permit, Variance, Site Plan Review, Street Vacation 1449, Plat 162**

Date: November 8, 2004

Date Application Deemed Complete: September 2, 2004

End of 60 Day Decision Period: November 1, 2004

End of 120 Day Decision Period: December 31, 2004

Applicant: Dan Lovestrand, dba Bradan Automotive

Address of Property: 831 Hennepin Avenue East

Project Name: Bradan Automotive

Contact Person and Phone: Dan Lovestrand (612-331-1889); Gene Buell- Owner -(612-378-2065)

CPED Planning Division Staff and Phone: Lonnie Nichols, Senior Planner, 612-673-5468

Ward: One (1) **Neighborhood Organization:** Beltrami

Existing Zoning: I-1 (light industrial)

Proposed Use: Automobile Repair Minor

Concurrent Review: Conditional Use Permit, Variance, Site Plan Review, Street Vacation, Plat

Appropriate Section(s) of Zoning Code: Chapters: 521-Zoning Districts and Maps, 525-Admin and Enforcement, 530-Site Plan Review, 535-Regs of General Applicability, 536-Specific Development Standards, 541-Offstreet Parking & Loading, 543-On-Premise Signs, 550-Industrial Districts

Background: Dan Lovestrand, dba, Bradan Automotive, has filed application for a conditional use permit, major site plan review, and variance for an automobile repair shop in the I-1 (light industrial) zoning district. In 1995 (7-17-95) Precision Collision withdrew a conditional use permit application for an autobody repair shop at the site. However, automobile service uses have occupied the site since at least 1995. The applicant has indicated that Simba Automotive and Dave Cox Automotive (automobile repair minor uses) were using the building prior to the start-up of Bradan Automotive in March 2003. Prior to that, beginning in approximately 1995, the property owner operated Gopher Towing at the site. The lot area is 8428 sf and the building footprint is 4858 sf. Staff requested a survey of the property to verify property lines and the applicant chose to pursue the stub end street vacation of Tyler Street NE. The processing of these items has prolonged the period of review for this application. Staff recommended the applicant also submit a plat as part of the review, but the zoning administrator determined that a plat is not required and that it should be returned to the applicant.

Findings as required by the Minneapolis Zoning Code for:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use, an automobile repair minor garage at 831 Hennepin Avenue East in the I1 district:

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

Automobile service uses have occupied the site since at least 1995. The continued use of the site for automobile repair minor will not be detrimental to or endanger the public health, safety, comfort or general welfare.

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

The property is located in a light industrial district. Industrial-warehousing uses that require the movement of goods and merchandise via freight trucks and semi trucks is adjacent to the North and East of the property. A bar-restaurant (Legends) is located immediately to the West of the subject property in the I1 district on the North side of East Hennepin Avenue. A multi-family residential development is located South of the property on the South side of East Hennepin Avenue in an R5 (high density) multiple family, residential district. Given that the proposed use is not increasing in intensity, it 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.

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

Adequate utilities, access roads, drainage, necessary facilities or other measures, have been or will be provided. The public works department requested that the roof drains be disconnected from the sanitary sewer system and that an existing curb cut be closed and that curbing be provided to prevent drainage across the public sidewalk.

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

See Access and Circulation section in the Site Plan Review component of this report. The applicant has grandfather rights to 5 parking stalls, can provide 5 legal off-street parking stalls, and has applied for a parking variance. Adequate measures have been or will be provided to minimize traffic congestion in the public streets.

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

The comprehensive plan shows Hennepin Avenue East from 6th Street SE to the Eastern border (Hwy 280) of the City as community corridor. Chapter four of *The Minneapolis Plan* states the following applicable objectives and implementation steps about community corridors:

4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.

Implementation Steps

Develop standards based on a recognition of the qualities that make urban corridors desirable, viable and distinctly urban, including; diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements which add interest at the scale of the pedestrian.

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.

Implementation Steps

Require that street design for these corridors preserves and enhances the strong residential character and pedestrian orientation of these streets while maintaining the street's capacity to carry current volumes of traffic.

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

Ensure that commercial uses do not negatively impact nearby residential areas.

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Step

Encourage the economic vitality of the city's commercial districts (substitute commercial uses) while maintaining compatibility with the surrounding areas.

The proposed automobile repair minor use for this existing building appears to be in compliance with Objectives 4.1 through 4.4 of The Minneapolis Plan.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.

Provided the applicant is granted a parking and sign variance and alternative compliance for landscaping on a site plan approved by the City Planning Commission, this conditional use will conform to the applicable regulations of the light industrial district in which it is located.

Zoning Code Section Authorizing the Proposed Variance: 525.520 (6) To reduce the applicable off-street parking, stacking or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is greater.

Findings Required by the Minneapolis Zoning Code for a Variance to reduce the required amount of off-street parking from 12 To 10 parking stalls, where 5 stalls are grandfathered.

- 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.**

The property has a limited amount of space available for parking and maneuvering vehicles located on the South and East sides of the building. The applicant has applied for a parking variance and street vacation in an effort to make the lot more functional and bring it into closer compliance with the zoning code. 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.

- 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.**

The building was constructed in 1921, covers over 50% of the existing lot area ($4858/8428 = .5764$), and the existing footprint of development on the site was established at the time of construction. The circumstances are unique to the parcel of land for which the variance is sought in that it is an irregular shape that fronts a commercial corridor and is adjacent to a dead end street. These conditions were not created by the applicant.

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

The parking area on the South and East sides of the building has been historically used (without striping) in a similar manner as to the proposed parking configuration of the applicant's site plan. The building was constructed in 1921 and the existing footprint of development on the site was established at the time of construction. The granting of the variance will recognize existing conditions and will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality.

- 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.**

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.

Required Findings for Major Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

The one story building, made of concrete block, was constructed in 1921. The placement of the building does give the appearance of reinforcing the street wall along this curve of Hennepin Avenue East, and does provide for natural surveillance and visibility to the South of the building. The Southwest corner of the building is located within eight (8) feet of the front lot line. The area between the building and the lot line does not currently include amenities. The building's entrances, both walk through doors and overhead garage doors face the public street. The South façade of the building, facing East Hennepin Avenue has approximately 10 sf of glass block windows and the East façade has approximately 40 sf of windows in the overhead garage door. The applicant will consider adding more windows to the South façade of the building.

ACCESS AND CIRCULATION:

- Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.
- Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.
- Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.
- Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).
- Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.
- Site plans shall minimize the use of impervious surfaces.

The applicant has proposed a striped pedestrian walkway from the public sidewalk to the principal walk through door of the building, which leads to the office. Designing vehicular and pedestrian access and circulation on the site is challenging due to the limited amount of space on the site and the irregular shape of the lot. Traffic is directed to have a minimal impact upon the residential properties located on the South side of Hennepin Avenue East. Two areas for snow storage have been identified on the plan, but planning staff in consultation with public works staff is recommending that the proposed snow storage areas be consolidated and moved closer to the center of the lot in the vicinity of the proposed parking stall #7 which will not be approved on a final site plan. Required parking for the use is 12 stalls (calculation: 2 stalls per service bay x 3 = 6 plus $1720\text{sf}/300 = 5.73$). The zoning office has determined the applicant has grandfather rights to 5 parking stalls. The applicant has shown 11 parking stalls on the site plan, but staff has determined only 5 of these stalls will meet code standards due to the location in the public right of way, placement in front of a functioning garage door or noncompliance with the code. The applicant will be required to reorient the site plan to show the Van Accessible HC with striping adjacent to the building, so that a parked vehicle will not block the doorway. Staff has recommended approval of a parking variance from 12 to 10 stalls. Public Works staff has indicated that they will require the middle curb cut to the property be closed. Public Works staff also indicated there was a petition to vacate the stub end street segment of Tyler Street in August, 1957 but that files listed "No Action" as the result of the petition. Tyler is a platted street and if the current vacation is approved, the ownership would be split between the subject parcel and the adjacent property (33 ft east and west).

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).
- Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).
- Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).
- The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.
- Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.
- All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.
- All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.

The lot area is 8428 sf and the building footprint is 4858 sf. Section 530.150 of the zoning code requires that not less than twenty (20) percent of the site not occupied by buildings (or in this application 714 sf) shall be landscaped, (calculation: lot area – building footprint x 20% = 8428 sf – 4858 = 3570 x .20 = 714). The applicant has proposed approximately 100 sf, of which about 50 sf or one-and-one-half percent (1.5%) (calculation: 50/3570 = .0140) is located on the subject parcel. Section 530.150 of the code also requires not less than one (1) canopy tree for each one thousand (1000) sf and not less than one (1) shrub per each two-hundred (200) sf of the site not occupied by buildings. In order to be in full compliance, the required plant count for this site is three (3) trees and eighteen (18) shrubs. The applicant has proposed zero trees and shrubs on the site, but has listed perennial plantings on the site plan and indicated a willingness to provide funding for replacement boulevard trees in existing tree grates in coordination with the Minneapolis Parks and Recreation Board. There is an interior boulevard of approximately 5 feet or more all along East Hennepin Avenue. There are existing sections of Heavy wooden rail type fencing that the applicant has proposed to accent with annual flower boxes. Staff (Planning and Public Works) thinks the timber planters along the building are a noble idea, but may not

be practical because they will interfere with moving parking stalls # 5 and # 6 closer to the building and out of the public right of way. Public Works staff requires encroachment permits for items located in the public right of way, and to date has been noncommittal about what will be approved. Given the space limitations of the site, staff is recommending approval of alternative compliance on landscaping area and plant count in exchange for the purchase, planting, and maintenance of boulevard trees in front of the property along East Hennepin Avenue. Public Works-Sewer Design has indicated roof and parking lot drainage should be redirected away from the public sidewalk, and there may be an opportunity to create small landscaping areas in the middle and Southwest corner of the lot to improve the physical function and aesthetic appearance of the site.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **Site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

Lighting shall comply with the requirements of Chapter 535 and Chapter 541 of the zoning code. The proposed site plan does not block views of important elements of the city, generate wind currents at ground level, or shadow public spaces or adjacent properties. The parking and loading facilities are designed and aligned to avoid headlights shining onto residential properties. The City's crime prevention through environmental design (CPTED) specialist recommends that all vegetation should follow the 3 foot - 7 foot rule, which states that screening should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. Public Works-Sewer Design has informed the applicants that the roof drains will need to be disconnected from the sanitary sewer system.

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

ZONING CODE:

Specific Development Standards:

Automobile repair, minor.

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

parked or stored in an enclosed structure after business hours.

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

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

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

Hours of Operation:

Hours of operation allowed under **II** zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

Dumpster screening:

Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The applicant has indicated refuse is stored in the building. On the final site plan, the applicant will show the dumpster located within the building.

Window obstructions:

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage:

Signage is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

The applicants photos show 174 sf of signage on the East façade of the building, where 45 sf is allowed. The applicants photos show 172 sf of signage on the South façade of the building, where 204 sf is allowed.

The applicant has indicated that signage will be removed from the East façade of the building and any new signage will meet the requirements of the code. Staff has determined the applicant has grandfather rights to the existing billboard structure located on the roof near the Eastern façade of the building.

MINNEAPOLIS PLAN:

See Finding #5 in the Conditional Use Permit section of this report.

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

Staff is not aware of any other Applicable Development Plans or Objectives Adopted by the City Council for this specific parcel in the Beltrami Neighborhood. The Marcy Holmes Neighborhood Master Plan, adopted by the City Council in December 2003, recommends retention of existing residential properties in the area and conversion of industrial uses to residential if industrial businesses decide to relocate.

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.**

Given the space limitations of the site, staff is recommending approval of alternative compliance on landscaping area and plant count in exchange for the purchase, planting, and maintenance of boulevard trees in front of the property along East Hennepin Avenue.

Findings as required by the Minneapolis Zoning Code for Street Vacation 1449: To vacate a remnant of Clayton Street (now known as Tyler Street NE) measuring 39.30 feet by 66 feet as dedicated on Ramsey Lockwood & Others Addition To St. Anthony which lies southerly of the easterly extension of the Northerly line of Lot 29, Block 21, said addition, and Northerly of a line drawn parallel with and 7.00 feet Northerly of the South line of said Lot 29 and its Easterly extension.

Responses from Utilities and Affected Property Owners: Planning staff amended the language of the proposed vacation to read as shown above, based on feedback from Hennepin County and Public Works staff, to confirm the inclusion of the entire remnant of said, Tyler Street NE. Xcel Energy stated no objection to the said vacation, provided, however, that an easement for existing electric distribution facilities be reserved. Craig Kupritz, representing Sam Miller Bag Corporation, the adjacent property owner to the East, verbally indicated reservations about the said vacation, but did not submit a written statement. No other objections were received. Specific comment from Xcel Energy:

Xcel: Xcel Energy has no objection to said vacation, provided, however, that an easement for existing electric distribution facilities be reserved in favor of Northern States Power Company dba Xcel Energy, said easement to be described as follows: “The West 10.00 feet the westerly half of Clayton Street (now known as Tyler Street NE) as dedicated on Ramsey Lockwood & Others Addition to St. Anthony, according to the recorded plat thereof on file and of record in the Office of the County Recorder in and for Hennepin County, Minnesota, which lies southerly of the easterly extension of the extension of the northerly line of Lot 29, Block 21, said addition, and northerly of the northerly line of East Hennepin Avenue East”.

Findings: The Public Works Department and City Planning Department find that the area proposed for vacation is not needed for any public purpose, and it is not part of a public transportation corridor, and that it can be vacated if any easements requested by utility companies providing services in the area are granted by the petitioner.

Required Findings for a Preliminary Plat (PL 162) to add a section of vacated street to the property located at 831 East Hennepin Avenue:

The zoning administrator has determined that the plat application was accepted in error, is not required, and is recommending the plat application should be returned to the applicant.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit for Bradan Automotive, an automobile repair minor garage located at 831 Hennepin Avenue East in the I1 district.

Recommendation of the Department of Community Planning and Economic Development Planning Division:

The Department of Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the application for a Variance to reduce the required amount of off-street parking from 12 To 10 parking stalls for Bradan Automotive, an automobile repair minor garage located at 831 Hennepin Avenue East in the I1 district.

**Recommendation of the Department of Community Planning and Economic Development
Planning Division:**

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for Bradan Automotive, an automobile repair minor garage located at 831 Hennepin Avenue East in the I1 district; subject to the following conditions:

- 1) The Community Planning and Economic Development Planning Division shall review and approve the final site and landscaping plans. The applicants will work with City staff to incorporate additional landscaping area and amenities on the final site plan.
- 2) The final site plan shall show that signage will be removed from the East façade of the building and any new signage will meet the requirements of the code.
- 3) The final site plan shall show the roof drains as disconnected from the sanitary sewer system and roof and parking lot drainage directed away from the public sidewalk.
- 4) The final site plan shall show the dumpster located within the building and consider adding additional windows to the South façade of the building.
- 5) The applicants shall, in exchange for alternative compliance on landscaping area and plant count work with the Minneapolis Park Board-Forestry Division to coordinate the purchase, planting, and maintenance of boulevard trees in front of the property along East Hennepin Avenue in the existing tree grates.
- 6) The final site plan shall show the closure of the middle curb cut on the property.
- 7) Approval of encroachment permits for items in the public right of way is required by the Public Works Department.
- 8) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements or the permit may be revoked for noncompliance.
- 9) All site improvements shall be completed by November 15, 2005 unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

**Recommendation of the Department of Community Planning and Economic Development
Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the City Planning Commission and the City Council accept the above findings and **approve** the vacation to vacate a remnant of Clayton Street (now known as Tyler Street NE) measuring 39.30 feet by 66 feet as dedicated on Ramsey Lockwood & Others Addition To St. Anthony which lies southerly of the easterly extension of the Northerly line of Lot 29, Block 21, said addition, and Northerly of a line drawn parallel with and 7.00 feet Northerly of the South line of said Lot 29 and its Easterly extension., subject to the retention of an easement by Xcel Energy.

**Recommendation of the Department of Community Planning and Economic Development
Planning Division:**

The Department of Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and **return** the Plat application for the property located at 831 East Hennepin Avenue to the applicant.

Attachments:

Staff report and Zoning Code requirements

Written Statements from Applicant

Correspondence

Zoning map and Aerial photo

Survey and Site plan

Photographs