



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

Date: October 22, 2009

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

Referral to: Zoning & Planning Committee

Subject: Ahmed Osman has submitted an appeal of the decision of the City Planning Commission denying a series of applications to allow a minor auto repair use at 1609 Chicago Avenue. The applications denied by the Planning Commission include rezoning from C1 to C2, a conditional use permit for minor auto repair, a conditional use permit for a shopping center and site plan review. The minor auto repair use is proposed to be established in an existing multi-tenant building. The application for rezoning has not been appealed as it automatically moves forward to the Zoning and Planning Committee for consideration.

Recommendation: The following action was taken by the Planning Commission on September 28, 2009 (BZZ-4345):

11. Ahmed Osman (BZZ-4556, Ward: 7), 1609 Chicago Ave ([Kimberly Holien](#)).

A. Rezoning: Application by Ahmed Osman, on behalf of Dahabshii Properties, for a rezoning from C1, Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District for property located at 1603 Chicago Ave.

Action: The City Planning Commission recommended that the City Council **deny** the application for rezoning from C1, Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District, for property at 1609 Chicago Ave.

B. Conditional Use Permit: Application by Ahmed Osman, on behalf of Dahabshii Properties, for a conditional use permit for a shopping center located at 1603 Chicago Ave.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit for a shopping center for property at 1609 Chicago Ave.

C. Conditional Use Permit: Application by Ahmed Osman, on behalf of Dahabshii Properties, for a conditional use permit for minor auto repair located at 1603 Chicago Ave.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit for a minor auto repair use in the C2 District for property at 1609 Chicago Ave.

D. Site Plan Review: Application by Ahmed Osman, on behalf of Dahabshii Properties, for a site plan review for property located at 1603 Chicago Ave.

Action: The City Planning Commission adopted the findings and **denied** the application for site plan review for a minor auto repair use for property at 1609 Chicago Ave.

Ward: 7

Prepared by: Kimberly Holien, City Planner (612-673-2402) Approved by: Jason Wittenberg, Planning Supervisor Presenters in Committee: Kimberly Holien, City Planner

Financial Impact

- No financial impact

Community Impact

- Neighborhood Notification: The Elliot Park Neighborhood, Inc was notified of the application on June 28, 2009.
- City Goals: See staff report
- Comprehensive Plan: See staff report
- Zoning Code: See staff report
- End of 60/120-day decision period: On September 17, 2009, staff sent a letter to the applicant extending the 60 day decision period to no later than December 31, 2009.

Supporting Information

The applicant has appealed the decision of the City Planning Commission denying applications for a conditional use permit for minor auto repair, a conditional use permit for a shopping center and site plan review. The statement submitted by the appellant states that he believes C2 zoning at the site is appropriate per a future Elliot Park Master Plan. The appellant also stated that a conditional use permit for a shopping center is no longer necessary due to the fact that the floor plan has been revised so that the minor auto repair use will have an entrance onto the sidewalk adjacent to Chicago Avenue. However, no revised floor plan was submitted as part of the appeal application.

The appellant's complete statement of the actions and reasons for the appeal are attached.

Department of Community Planning and Economic Development - Planning Division
Rezoning, Conditional Use Permit, Site Plan Review
BZZ-4556

Date: September 28, 2009

Applicant: Dahabshiil Properties

Address of Property: 1609 Chicago Avenue S

Contact Person and Phone: Ahmed Osman (612) 245-3596

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: September 2, 2009

End of 60 Day Decision Period: November 1, 2009

End of 120 Day Decision Period: December 31, 2009

Ward: 7 Neighborhood Organization: Elliot Park

Existing Zoning: C1, Neighborhood Commercial District; DP Downtown Parking Overlay District

Proposed Zoning: C2, Neighborhood Corridor Commercial District; DP Downtown Parking Overlay District

Zoning Plate Number: 20

Legal Description: Lot 5 and the S 43 1/3 feet of Lot 4 and the N 11 feet of Lot 6 all in Block 18 J S & W Elliot's Addition to Minneapolis

Proposed Use: Minor auto repair

Concurrent Review:

Rezoning: From C1 Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District.

Conditional Use Permit: To allow minor auto repair.

Conditional Use Permit: To allow a shopping center.

Site Plan Review: For a newly established automobile service use.

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments; Chapter 525, Article VII, Conditional Use Permits; Chapter 530, Site Plan Review

Background: Ahmed Osman, on behalf of Dahabshiil Properties, has submitted a number of applications to establish a minor auto repair use in an existing building at 1609 Chicago Avenue. The subject site contains a multi-tenant building with addresses also including 1603 Chicago Avenue and

CPED Planning Division Report

BZZ-4556

1607 Chicago Avenue. The tenant at 1603 Chicago Avenue, on the north side of the building, contains a combination deli, coffee shop, retail and tax service use. The tenant at 1607 Chicago contains Direct Home Healthcare, an office use. The tenant at 1609 Chicago contains Midwest Career Institute, also an office use. The proposed use would be established in the back half of the space at 1609 Chicago Avenue, in a tenant space in the rear of the building with no public street frontage. The site is currently zoned C1. Minor auto repair is not a permitted use in the C1 District. Therefore, the applicant has applied for rezoning from C1 to C2. Minor auto repair is a permitted conditional use in the C2 District. An application for a conditional use permit for minor auto repair has also been submitted

The establishment of this use on the back side of the building, without a storefront, makes this unified development a shopping center. Shopping centers are conditional uses in the C2 District and a conditional use permit has been applied for accordingly. Per Chapter 530 of the Zoning Code, all newly established automobile service uses require site plan review. No exterior modifications are proposed to the building as part of this application.

Staff has not received any official correspondence from the neighborhood group as of the writing of this report. Staff will forward any comments, if received, at the City Planning Commission meeting.

REZONING (from C1, Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District).

Findings As Required By The Minneapolis Zoning Code:

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

The subject property is located on Chicago Avenue in Downtown Minneapolis. In *The Minneapolis Plan for Sustainable Growth*, the site is designated as mixed use on the future land use map for the Downtown Sector. Chicago Avenue is a commercial corridor in this location. The mixed use designation allows for mixed use development, including mixed use with residential. Mixed use may include a mix of retail, office or residential uses within a building or within a district. Applicable policies of the Comprehensive Plan are as follows:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

CPED Planning Division Report

BZZ-4556

Rezoning property to accommodate a minor auto repair use would not be consistent with the above policies of the Comprehensive Plan. While the site is not located at the intersection between a Commercial Corridor and another corridor, an automobile service use such as the one proposed would diminish the transit and pedestrian character of the area. Allowing more intense commercial zoning in this location would allow for a number of more intense commercial and auto-oriented uses that may not fit with the character of the surrounding area.

The site is also located within the boundaries of the Elliot Park Master Plan. This site is within the residential district defined in the Master Plan. The plan calls for infill and new single and multi-family housing, mostly 2-4 stories in height, in this residential district. The plan also encourages mixed-use development along Chicago Avenue. The area directly east of the site, across the alley, would be included in an historic housing overlay district to preserve and enhance existing residential properties.

Again, rezoning property from C1 to C2 to accommodate a minor auto repair use would not support the policies and intent of the Elliot Park Master Plan. Applying a more intense commercial zoning in this area is not consistent with the residential district designation for the subject site.

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

The amendment is primarily in the interest of the property owner. The proposed rezoning is in the midst of an area designated for residential purposes in the Elliot Park Master Plan and would not further any clear policy objectives or public interest.

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

The property is adjacent to an auto sales use to the south, a multi-family residential use to the north, residential and office uses to the east and a retail grocery use across Chicago Avenue to the west. As stated above, the residential uses to the east are proposed to be included in a future historic housing overlay district to preserve and enhance these residential uses. The office use to the east is included in this potential overlay as well.

Both the residential uses to the east and the proposed auto repair use would be accessed from the alley. The minor auto repair use would have no frontage on Chicago Avenue and therefore the only possible access to this property is via the alley that currently serves numerous residential properties. Rezoning property to allow more intense commercial uses adjacent to the residential uses which share a common alley would not be compatible with the character of the surrounding area. The vision for this area per the Elliot Park Master Plan is for a low to medium density residential uses.

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.

CPED Planning Division Report

BZZ-4556

The purpose of the C1 zoning district is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses. There are a number of commercial and residential uses allowed under the existing C1 zoning designation, and all existing uses in the building are permitted in the C1 District. Maintaining the existing zoning on the site would allow reasonable use of this property as mixed use, commercial and/or residential.

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.

This site was zoned B3-3 Community Retail District under the 1963 code, which was a zoning classification similar to the C3A district. Garages for storage, repair and servicing of motor vehicles were permitted in the B3 District. With the adoption of the Zoning Code in 1999 the property was zoned C1, which allows for less intense commercial uses. There has not been a change to the character of this area since the site was designated for C1 zoning. Per the Elliot Park Master Plan, the character and trend in development of the area is being guided to promote new and infill residential development.

CONDITIONAL USE PERMIT (to allow a minor auto repair use a C2 District)

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

Minor auto repair includes an establishment engaged in performing repair to, and the serving of, passenger automobiles, where gasoline and other automobile engine fuel, motor oil, lubricants, grease, and minor accessories may be sold. It includes activities such as muffler replacement, oil changing, tire repair, engine repair, transmission repair and the like. It does not allow body work or painting. The nature of this use is one that produces noise and fumes. It is also expected that the use may generate traffic as the general public will be allowed to have cars serviced at the site. In that regard, the use may have an adverse impact on the comfort and general welfare of the surrounding residential uses.

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

As stated above, the property is adjacent to an auto sales use to the south, a multi-family residential use to the north, residential and office uses to the east and a retail use across Chicago Avenue to the west. The vision for this area per the Elliot Park Master Plan is for a low to medium density residential uses. A

CPED Planning Division Report

BZZ-4556

minor auto repair use is not consistent with this goal and may therefore have an impact on the development and improvement of surrounding properties. Staff is recommending denial of the request for rezoning from C1 to C2 accordingly.

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

While the site has frontage on a public street, the proposed use would be accessible only via the alley on the east side of the site. This may create conflicts with the residential traffic that also utilizes this alley. Utilities on the site are existing. As of the writing of this staff report the applicant has not started the Preliminary Development Processes. Staff will forward any PDR comments related to utilities, drainage and other facilities, if available, at the City Planning Commission meeting.

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

Access for the proposed minor auto repair use will be limited to the alley on the east side of the site. In that regard, the use is not expected to generate a great deal of traffic into adjacent public streets. However, staff does expect that traffic for the proposed use will conflict with residential traffic that also relies on the alley for access. The site plan shows two access points from the alley into parking area, increasing the potential for traffic conflicts.

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

The proposed use requires rezoning from C1 to C2. The findings above for the rezoning application demonstrate that the proposed use is not consistent with the policies of *The Minneapolis Plan for Sustainable Growth* or the Elliot Park Master Plan. The following policies of the Comprehensive Plan apply to the project:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

Rezoning property to accommodate a minor auto repair use would not be consistent with the above policies of the Comprehensive Plan. An automobile service use such as the one proposed would diminish the transit and pedestrian character of the area.

CPED Planning Division Report

BZZ-4556

The Elliot Park Master Plan calls for low to medium residential uses in this area, along with some mixed use along Chicago Avenue. The proposed minor auto repair use is not consistent with this vision in the Elliot Park Master Plan.

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

The applicant is requesting rezoning from C1 to C2 to allow the minor auto repair use on the site. Staff is not recommending approval of said rezoning. Minor auto repair is not permitted in the C1 District. Therefore, the proposed minor auto repair use would not conform to the regulations of the district in which it is located.

The site contains an existing chain link fence surrounding the parking lot on the east side of the side, separating the parking lot from the alley. This fence includes barbed wire across the top. Barbed wire is not permitted for fences in commercial districts. In the event that the City Planning Commission approves the applications, staff recommends that the barbed wire be removed as a condition of approval.

CONDITIONAL USE PERMIT (to allow a shopping center in a C2 District)

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below 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.

A shopping center in itself would not be detrimental to or endanger the public healthy, safety, comfort or general welfare. However, the request for a conditional use permit for a shopping center is triggered by the request to establish a minor auto repair use on the east side of the existing building, facing the alley. The auto repair use requires rezoning from C1 to C2 because it is not permitted in the C1 District. Staff is not recommending approval of that application. Allowing the proposed building configuration will increase the exposure of any commercial tenant space in this location to the adjacent residential uses, which may have an impact on those uses.

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

As stated above, a shopping center is not expected to be injurious to the use and enjoyment of adjacent properties. However, the classification of the use as a shopping center is created by the request to establish a minor auto repair use in the rear of the building without a storefront or frontage on a public street. Staff is not recommending approval of the application for rezoning from C1 to C2, which is required to allow the auto repair use. Staff is also recommending denial of the conditional use permit for minor auto repair. A shopping center that includes uses not permitted in the C1 District, such as the

CPED Planning Division Report

BZZ-4556

proposed minor auto repair use, may have an adverse impact on the development of surrounding property.

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

As stated above, staff has concerns with alley access to the site. The proposed tenant space would only be accessible via the alley for pedestrian traffic and vehicle traffic. This may create conflicts with the residential traffic that also utilizes this alley. In that regard, access to the site may not be considered adequate. Utilities on the site are existing. Utilities, drainage and other facilities will be reviewed further through the Preliminary Development Review process.

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

The proposed minor auto repair use, which is triggering the conditional use permit for a shopping center, is only accessible via the alley on the east side of the site. Therefore, the use is not expected to increase congestion in the public streets. However, the site plan shows two access points from the alley into the on-site parking lot. All vehicle traffic accessing the rear tenant space is expected to utilize the alley. The alley also serves residential uses and in that regard traffic conflicts in the public alley are expected to result from the proposed configuration.

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

The proposed use requires rezoning from C1 to C2. Staff is not recommending approval of said rezoning. The site is designated as mixed-use on the future land use map and is located on a commercial corridor. A shopping center in itself may be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. However, as stated above, the shopping center configuration is essentially created by the request to establish a minor auto repair use on the back side of the building without street frontage. The following policies of the Comprehensive Plan apply to this situation:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

A minor auto repair use would not be consistent with the above policies of the Comprehensive Plan. The use is also inconsistent with the vision for the area in the Elliot Park Master Plan, which calls for low to medium density residential uses and some mixed use along Chicago Avenue.

CPED Planning Division Report

BZZ-4556

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

The applicant is requesting rezoning from C1 to C2 to allow the minor auto repair use on the site, and the establishment of this use is what triggers the conditional use permit for a shopping center. Staff is not recommending approval of said rezoning or the conditional use permit for minor auto repair. Therefore, a shopping center with a minor auto repair use would not conform to the regulations of the C1 District.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- 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:

CPED Planning Division Report

BZZ-4556

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

- a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
- Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 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.

Conformance with above requirements:

The subject site contains an existing building up to the property line, fronting on Chicago Avenue. The building currently has three tenants, all with entrances onto the sidewalk adjacent to Chicago Avenue. No exterior modifications are proposed to this existing building as part of the project. The proposed auto repair use would be established in the rear of the building, with the entrance opening into the on-site parking lot and facing the alley. An overhead door is also located on this rear elevation to provide access for motor vehicles. The entrance to the auto repair use is not emphasized in any way. This situation would require alternative compliance. Staff does not recommend alternative compliance. In the event that all other applications are approved, staff recommends that an awning or other defining feature be added to clearly define the entrance into the auto repair use. The north and south building walls are located up to the respective property lines.

The north, south, and east building elevations are surfaced with plain face CMU. A portion of the south elevation is also covered with a wood lattice. Plan face concrete block is not permitted when fronting a residential district. However, this is an existing condition. The south half of west elevation, facing Chicago Avenue, is surfaced with masonry stone. The north half of the west elevation is surfaced with

CPED Planning Division Report

BZZ-4556

brick. Again, no exterior changes are proposed to the building as part of this project. The north, south and east elevations all contain blank, uninterrupted walls that do not include windows, entries, recesses, or projections, or other architectural elements in excess of 25 feet. However, this is an existing condition and therefore does not require alternative compliance.

The window requirements for the use are 30 percent of the walls on the first floor and 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. The building does not have any windows facing the on-site parking lot where the minor auto repair use is proposed or in any of the existing tenant spaces. This is an existing condition and does not require alternative compliance. The west building elevation, facing Chicago Avenue, exceeds 30 percent windows.

The structure has a flat roof similar to other structures in the area.

No parking garages are proposed for the site.

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.**

Conformance with above requirements:

The entrances for the existing building tenants open up onto the public sidewalk adjacent to Chicago Avenue. The existing parking lot is located on the east side of the site, to the rear of the building. The entrance for the proposed minor auto repair use would open onto this parking lot. Neither the parking lot nor the minor auto repair entrance is connected to the public sidewalk with walkways.

As previously stated, the minor auto repair use would be accessible only from the alley on the east side of the site. This alley also serves a number of residential uses. Section 530.150 specifically states that vehicular alley access is prohibited for automobile service uses when those uses are located on a block containing residential or office residence zoning. Staff does not recommend allowing an exception for this situation. This configuration would create conflicts with surrounding residential uses.

The majority of the site is covered with impervious surfaces, including the building and the parking area. The site contains little green space and as a result is not compliant with the requirement to minimize impervious surfaces.

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**

CPED Planning Division Report

BZZ-4556

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.

Conformance with above requirements:

The lot area is 15,650 square feet in area and the existing building footprint is 8,270 square foot. Therefore, the net lot area is 7,380 square feet, of which 20 percent (1,476 square feet) is required to be landscaped. The site requires 3 overstory trees and 15 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a total landscaped area of approximately 920 square feet (12.5 percent of the unoccupied area) with no canopy trees and 9 shrubs on the site. Alternative compliance is requested to allow a deviation from the minimum landscape area requirement, the minimum shrub requirement and the minimum tree requirement. In the event that the Planning Commission approves the proposed applications, staff does not recommend granting alternative compliance for these landscaping issues. It is possible to reduce the number of parking stalls on the site and landscape those spaces to reach the 20 percent required. The uses on site only require 1 parking stall and 13 are provided. Furthermore, the site is within the boundaries of the Downtown Parking Overlay District which discourages surface parking lots. By removing 4 parking stalls and converting those stalls to green space, it is possible for the minimum landscaped area to be achieved on site. This would also provide room for the required trees and shrubs.

The site has more than ten parking stalls; therefore each parking space is required to be within 50 feet of an on-site canopy tree. As stated above, no trees are proposed on the site and therefore alternative compliance is also requested for this requirement. Staff does not recommend granting alternative compliance. A landscaped yard at least seven feet wide with screening at least 95 percent opaque is required between the parking lot and alley, due to the residential uses to the east. The site shows the

CPED Planning Division Report

BZZ-4556

required landscaped yard. However, the required screening is not been provided and alternative compliance is requested. Staff does not recommend granting alternative compliance for this provision. As stated above, staff is concerned with the impact of the proposed use on adjacent residential properties. In the event that the Planning Commission approves the proposed applications, staff recommends that screening at least 95 percent opaque be provided between the parking area and the alley to mitigate the impact of the minor auto repair use on the adjacent properties.

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.

Conformance with above requirements:

There is no curbing shown around the parking area and no on-site stormwater retention is proposed. Due to the size and existing layout of the site, on-site retention may not be practical. The project has not begun the Preliminary Development Review process as of the writing of the staff report. In the event that PDR comments related to stormwater or other issues are received, staff will forward those comments on at the City Planning Commission meeting.

The building does not block important views of the city, shadow public spaces or adjacent properties, and will not significantly generate wind currents at ground level.

The plan does not meet the CPTED guidelines. The proposed tenant space to the rear of the building for the minor auto repair use has no windows. This limits any potential for natural surveillance and visibility. Pedestrians and patrons of the use will be required to access the tenant space from the public alley which further limits opportunities for natural surveillance.

The building is not historic.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: The proposed minor auto repair use requires rezoning from C1 to C2. An application to rezone the property has been submitted accordingly. Both the shopping center and the minor auto repair are permitted conditional uses in the C2 District.

CPED Planning Division Report
BZZ-4556

Off-Street Parking and Loading:

Minimum Vehicle Parking Requirement: The site is located in the Downtown Parking Overlay District, which requires a minimum of 1 parking space for each 4,000 square feet of gross floor area in excess of 4,000 square feet. The requirement that each use provide a minimum of 4 parking spaces does not apply in the DP Overlay District. With this provision, the total parking requirement for the use is 1 space. The site has 13 parking stalls, including four compact stalls, all located in the rear of the building. This satisfies the minimum parking requirement for the uses.

Accessory parking lots are conditional uses in the DP Overlay District. However, the parking lot on the site is existing and therefore no conditional use permit is required at this time.

Maximum Vehicle Parking Requirement:

The maximum vehicle parking requirement in this case is dictated by the provisions of Section 551.760 for the Downtown Parking Overlay District, as this section is more restrictive than the maximum vehicle parking requirements of Chapter 541. Per Section 551.760, the site is limited to a maximum of 20 parking stalls. The site plan shows 13 parking stalls, within the parameters allowed.

Minimum Bicycle Parking Requirement:

The minor auto repair use does not have a minimum bicycle parking requirement. The other three tenant spaces are existing and therefore have non-conforming rights to bicycle parking. As such, no bicycle parking is required and none is provided.

Maximum Floor Area: The maximum FAR in the C1 and C2 Districts is 1.7. The subject site is 15,650 square feet in area. The existing building is 8,270 square foot. The total square footage is equal to an FAR of .53 and within the parameters allowed.

Building Height: Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. The applicant is requesting rezoning from C1 to C2. The maximum building height in the C2 District is 4 stories or 56 feet. The existing building is one story, within the parameters allowed.

Minimum Lot Area: There is no minimum lot size for this use in the C2 District.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: No setbacks are required for this use in the C2 District.

Specific Development Standards:

Minor Auto Repair:

The minor auto repair use shall be required to comply with the following specific development standards for such uses:

- (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.

CPED Planning Division Report

BZZ-4556

- (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.

Shopping Center:

The following specific development standards apply to shopping centers:

- (1) Only uses allowed in the zoning district in which the shopping center is located shall be allowed in the shopping center.
- (2) Uses which require a conditional use permit, site plan review or other land use approval shall comply with all review and approval requirements of this zoning ordinance.
- (3) 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 Open to the Public: In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The proposed use will comply with the required hours open to the public.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No signage has been proposed as part of the application.

Refuse storage: Section 535.80. Refuse storage containers are required to 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 refuse storage facility currently located on the site is in disrepair. In the event that the Planning Commission approves the application for site plan review, staff recommends that the trash enclosure be repaired to comply with the standards of Section 535.80 as a condition of approval.

Lighting: All lighting shall comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or

CPED Planning Division Report

BZZ-4556

glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as to not directly or indirectly cause illumination or glare in excess of one-half footcandle measured at the closest property line of any permitted or conditional residential use, and five footcandles measured at the street curb line or nonresidential property line nearest the light source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

In *The Minneapolis Plan for Sustainable Growth*, the site is designated as mixed use on the future land use map for the Downtown Sector. Chicago Avenue is a commercial corridor in this location. The mixed use designation allows for mixed use development, including mixed use with residential. Mixed use may include a mix of retail, office or residential uses within a building or within a district. Applicable policies of the Comprehensive Plan are as follows:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

A minor auto repair use would not be consistent with the above policies of the Comprehensive Plan. While the site is not located at the intersection between a Commercial Corridor and another corridor, an

CPED Planning Division Report
BZZ-4556

automobile service use such as the one proposed would diminish the transit and pedestrian character of the area.

SMALL AREA PLANS ADOPTED BY COUNCIL:

This site is within the residential district defined in the Elliot Park Master Plan. This plan calls for infill and new single and multi-family housing, mostly 2-4 stories in height, in this residential district. The plan also encourages mixed-use development along Chicago Avenue. A minor auto repair use would not be consistent with the guidance in the small area plan.

Alternative Compliance. The Planning Commission 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.**

Alternative compliance is requested for the provision requiring that principal entrances be clearly defined and emphasized. The entrance to the auto repair use is not emphasized in any way. Staff does not recommend alternative compliance. In the event that all other applications are approved, staff recommends that an awning or other defining feature be added to clearly define the entrance into the auto repair use

The applicant is also requesting alternative compliance related to a number of landscaping issues on the site. Specifically, alternative compliance is requested to allow a deviation from the minimum landscaped area requirement, the minimum tree and shrub planting requirements, the requirement that all parking stalls be within 50 feet of an on-site canopy tree and the required screening between the parking lot and the alley. Staff does not recommend granting alternative compliance for any of these requirements. It is possible to reduce the number of parking stalls on site to provide more green space and allow room for trees and additional shrubs. This would eliminate the need for alternative compliance for most of the landscaping issues. The required screening would mitigate the impact of the use on the surrounding residential properties in the event that the requested applications are approved. Therefore, staff does not recommend granting alternative compliance for this requirement either.

RECOMMENDATIONS:

CPED Planning Division Report

BZZ-4556

Recommendation of the Community Planning and Economic Development Department - Planning Division for the rezoning:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the application for rezoning from C1, Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District, for property at 1609 Chicago Avenue.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit for a minor auto repair use in the C2 District for property at 1609 Chicago Avenue.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the conditional use permit:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit for a shopping center for property at 1609 Chicago Avenue.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the application for site plan review for a minor auto repair use for property at 1609 Chicago Avenue.

Attachments:

1. Statement from applicant.
2. Zoning map.
3. Rezoning matrix.
4. Correspondence.
5. Site plans and floor plans.
6. Photos.

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

250 South Fourth Street, Room 300
Minneapolis, MN 55415-1385
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(612) 673-2157 TDD

MEMORANDUM

DATE: October 9, 2009

TO: Steve Poor, Planning Supervisor – Zoning Administrator, 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 September 28, 2009

The following actions were taken by the Planning Commission on September 28, 2009. 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, Bates, Cohen, Gorecki, Huynh, Luepke-Pier and Tucker – 7

Not present: Nordyke and Schiff

Committee Clerk: Lisa Baldwin (612) 673-3710

11. Ahmed Osman (BZZ-4556, Ward: 7), 1609 Chicago Ave ([Kimberly Holien](#)).

[Staff report](#)

A. Rezoning: Application by Ahmed Osman, on behalf of Dahabshil Properties, for a rezoning from C1, Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District for property located at 1603 Chicago Ave.

Action: The City Planning Commission recommended that the City Council **deny** the application for rezoning from C1, Neighborhood Commercial District to C2, Neighborhood Corridor Commercial District, for property at 1609 Chicago Ave.

B. Conditional Use Permit: Application by Ahmed Osman, on behalf of Dahabshil Properties, for a conditional use permit for a shopping center located at 1603 Chicago Ave.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit for a shopping center for property at 1609 Chicago Ave.

C. Conditional Use Permit: Application by Ahmed Osman, on behalf of Dahabshil Properties, for a conditional use permit for minor auto repair located at 1603 Chicago Ave.

Action: The City Planning Commission adopted the findings and **denied** the conditional use permit for a minor auto repair use in the C2 District for property at 1609 Chicago Ave.

D. Site Plan Review: Application by Ahmed Osman, on behalf of Dahabshil Properties, for a site plan review for property located at 1603 Chicago Ave.

Action: The City Planning Commission adopted the findings and **denied** the application for site plan review for a minor auto repair use for property at 1609 Chicago Ave.

Staff Holien presented the staff report.

Commissioner Gorecki: Where do we draw the line between minor and major auto repair? Is there equipment that has to be established or onsite for auto repair of a major or minor status?

Staff Holien: In the staff report there is a definition of what includes minor auto repair. For me, I guess the line between major or minor auto is that major would allow body work and minor auto repair does not. Minor would be more engine work, oil changes, things like that whereas major would allow actual body work on vehicles.

Commissioner Gorecki: With a minor status we don't require any particular equipment that has to be part of the garage.

Staff Holien: Not as part of the land use application.

Commissioner Bates: On the picture that's currently showing, the used car lot right next to it, what was your thinking there in terms of not seeing the minor auto shop as all of a piece with the used car business? How does that differently impact the neighbors across the way and that sort of thing?

Staff Holien: The used car lot is existing on the site. That's been located on the adjacent property for quite some time. This is a new use that is not allowed in the current zoning district so we're asked to look at a number of different things in terms of establishing this new use and its impact on the neighborhood whereas the adjacent use is existing and has been there for quite some time and I apologize that I don't know the date that that use was established so that's not something we can evaluate at this time. We can just look at the application in front of us, which is not allowed in the current district.

President Motzenbecker opened the public hearing.

Gary Mohammad (?) [not on sign-in sheet]: I live in south Minneapolis and have a small business in the area. There used to be a same proposal where there were existing garage there before. The city closed it down at that location and after Ahmed applied for it. My suggestion is that I think we need that area minor auto repairs that the neighborhood doesn't have for it. My suggestion is that we need that location for minor auto repair.

Ahmed Osman [not on sign-in sheet]: I'm the applicant. I know the city did close the place before. After that I was applying for this place before I applied to that spot. The cars coming in and out are 20 feet from 17th St. There is only half a block between this spot and the near business. We're not using all the way into the 15 and we know that the 16 is close. The 15 we can come in entrance but we don't use that one. We use 17 as a main street coming to one way and behind that is a freeway 35. We have a picture for that. This is the place before me. I'm the one who is beginning right now. The second thing is, this is 20 feet between the entrance cars coming in and we have offset the fronting facing Chicago Ave. We have a big back door. One of them is 1609 and 1607. The whole building is 1603. The one we are opening minor auto repair in is 1609. The second thing is, we tried to get a lot of people to get support in the neighborhood, but I live there in Elliot Park neighborhood at least seven years. My kids and wife live there but I just moved in the last two months by myself. I would like to open that minor auto repair because of the service place there before me. There is already equipment in there. Thank you.

Mohammad Nuir (?) [not on sign-in sheet]: I have been living in Elliot Park neighborhood for about 16 years. I am the owner of the property. As many people mentioned, this place used to be an auto service center. You can see from the picture here. That door is already designed as an auto service center. It's not something we're trying to do right now. It has been designated like that and has been used as an auto service center. The thing is, somehow, the zoning made us a C1. I have no idea why. I bought this building about a year ago for about \$700,000. It has taxes past due about \$30,000. I cleared everything. I did because I want to invest in the neighborhood. This neighborhood has Catholic Charities, Alliance Apartments, many low income families living down there. We want to invest in the neighborhood so the livelihood of the area becomes up. About ten years ago, in front of this building, an elderly Somali guy was killed by an unknown person. We want this area to be a nice place to live. I pay \$18,000 a year for taxes for the property. In order for me to pay that tax or main mortgage I need to rent out of the place. The reason that is not possible is the alley. When you look here, here we have Alex Auto Sale Center, it is less than a block to come from the alley. We're not trying to come from 16 or 15 all the way through up going to the alley. We're coming from 17, here we have Alex Auto Sale Center and it's less than a block. We're not trying to stop traffic or make noise, it's less than a block. The other thing is, the building next to us has about 30 car parking space. All people come from the alley. I don't understand why everyone else is using the alley but not us. It's not right to do. If everyone else is using, not only the resident but also the people who live in the apartments, then why not here? I'm asking you, we're not trying to disturb the area, we're not trying to make the area worse, we're trying invigorate the area.

President Motzenbecker: Nobody is disputing the fact that having this kind of use in the area would be great. There's always use for more and better business. I think it's just in that particular location it seems that the obstacles you need to surmount to have that in there seemed to overweigh what you need to do. It's not fitting a lot of what needs to be met via the findings. We have to decide on these findings for each of these pieces. We understand about the cars coming from the alley and that you want to use it and stuff is in there already. I'm hearing all that, we still unfortunately, have to decide on some of these. If there are some points that you

could touch on related to some of these findings that we need to meet for the zoning or other things...

Mohammad Nuir: The first thing is that the alley is not going to be a problem because we're not coming from two or three blocks, only half a block. We have many people in the area who are supporting us. I don't understand, if the area has been designed and used as an auto service center, why the zoning is C1.

President Motzenbecker: I'm curious to hear that too so maybe we'll find that out.

Tamil Hamoud (?) [not on sign-in sheet]: I'm supporting. If you allow us to open the garage, I appreciate it. Thank you.

Mohammad Ali (?) [not on sign-in sheet]: I'm supporting for this. We need auto repair close to us. Thank you.

Brian Nasi (910 17th St E): I'm a member of the Elliot Park neighborhood association board. I've been living in Elliot Park since 2005 when my wife and I bought a boarded up, broken down home with a secondary structure on it, a carriage house, and we've been rehabbing it over the past three or four years. We live in the carriage house currently. As we bought the property, I run an organization with 70 employees located in Owatonna so my spare time comes at a premium, but nonetheless, I set aside time to be actively involved in the Blue Committee and the Elliot Park neighborhood association because I saw that the potential for Elliot Park could be. Certainly, I'm supportive of redevelopment in the area, it certainly needs it. At the same time, any kind of development is not necessarily the kind of development we're looking for. We've had extensive interactions with the AEON folks to make sure that what they were doing made sense. We had extensive conversations with Catholic Charities to make sure we're all working towards a better community in the larger context. For that reason, this proposal just doesn't make sense. You understand more than I do as far as zoning, but there is the one-way nature of the streets and how someone coming up and down Chicago is going to have limited capacity to even know this thing exists let alone get there and then the other problem is that as you come out of that door that was shown earlier, the service bay, there is a former Minnesota daycare association...there's a mansion on the corner across the street from me. Their parking lot has access to that same alley that cuts between...and I spend a lot of time in my yard as a part of my rehab project and I see vehicles taking that shortcut to get into the service center presumably. All the zoning and planning issues notwithstanding, I don't think this gets us, in the big scheme of things, where Elliot Park wants to get and that's to a vibrant community where the streets are walkable and consistent with the Chicago Ave redesign, etc. For that reason, while I applaud the initiative of the folks and that sort of thing, it just doesn't make sense to me at this point. Thank you.

David Fields: I just want to make myself available if the commissioners have any questions about the communication. The packet that I got with the staff report only included the first page of my letter that I sent. I assume that you got the whole letter explaining the context. It was a three page letter explaining the context of the motion out of the Building, Land Use and Housing Committee meeting.

President Motzenbecker: We have an email from you that was Tuesday, September 8.

David Fields: Essentially, all I want to do is make myself available if you have any questions about the motion that come out of the committee and the neighborhood.

Commissioner Tucker: Perhaps you could talk about the committee action and how they made their action in relation to the existing master plan. Did they consider the master plan when they were doing their deliberations?

David Fields: Yes, to the extent that part...part of my job is to try to keep my neighborhood association well informed about the master plan. That means bringing it up periodically through the year and having people review. I think pretty much everybody on that committee has internalized the principals of the plan and I think that's what guided their decision on the first two parts of the motion. Their understanding, which is correct, is that in the future, under the new Minneapolis Plan for Sustainable Growth, Chicago Ave is going to become a neighborhood commercial corridor. This is very vital to Elliot Park's economic redevelopment aspirations to have this. As you probably know, neighborhood commercial corridors have not existed in downtown neighborhoods until just recently and we fought hard to bring this kind of commercial corridor designation into the neighborhood so we could start accessing CPED monies to start bringing commercial redevelopment along Chicago. The committee understood that in the future it was going to be a C2 corridor, why not spotzone C2. Then the shopping center definition, which is the most confusing, came up and we said it looks like a shopping center and there are several businesses there and we want a retail corridor here, we want as much opportunity for future retail to go in so let's rezone it or have a conditional use permit for a shopping center. When it got to the minor auto repair business, the majority of the committee was saying they don't want a minor auto repair business there, we want the rezoning and conditional use, but the minor auto repair is one that is not compatible with the master plan view. The overall view of the master plan for Elliot Park is to reduce automobile related uses from parking lots, auto repair shops, parking ramps in our neighborhood because our neighborhood has been overrun by them for decades. That kind of explains the reasoning that the committee had on its split decision.

Commissioner Tucker: In the staff report, you see there are many references made to your master plan, interpreting it as not supporting these applications. Do you agree with...

David Fields: As a staff member, yes.

Commissioner Tucker: Did our staff understand your plan correctly?

David Fields: Yes, they did very much.

President Motzenbecker closed the public hearing.

Commissioner Tucker: I will move staff recommendation to deny the rezoning (Gorecki seconded). Just to mention the important of master plans as guidance as we make these decision and I appreciate how staff laid out very clearly the relationship between this application and the Minneapolis Plan and the Elliot Park Master Plan.

President Motzenbecker: I would like some clarification about the garage that was there before. What's that story if it was a story?

Staff Holien: There was minor auto repair illegally operating on the site in the past. They were cited for that. I believe that operation did cease to exist prior to the applicant submitting the materials before you today.

Commissioner Bates: So there's never been an minor auto repair service there legally operating?

Staff Holien: Not one that was legally established, that is correct.

David Fields: The auto repair garage that used to be associated many years ago was Alex's used car. Once the rezoning came in there they had to lose that. As you probably know, Alex's would not be allowed now. Alex has been there since I've been here 40 years ago. It used to be allowed and it was a rogue operation for a while until it was shut down.

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 6-0.

Commissioner Tucker: With the denial of the rezoning, items B, C, D are untenables therefore I recommend staff recommendation to deny those (Huynh seconded).

President Motzenbecker: Further discussion? All those in favor? Opposed?

The motion carried 6-0.