

Minneapolis City Planning Department Report

Rezoning and Site Plan Review Application (BZZ-447)

Date: November 4, 2002

Applicant: Embassy Enterprises dba Super USA

Address Of Property: 3807 Fremont Avenue North

Date Application Deemed Complete: October 11, 2002

End of 60 Day Decision Period: December 10, 2002

Contact Person and Phone: Shawn Punjwani 612-363-5248

Planning Staff and Phone: Jim Voll 612-673-3887

Ward: 4 **Neighborhood Organization:** Camden-Webber

Existing Zoning: R2B Two-family Residential District

Proposed Zoning: C1 Neighborhood Commercial District

Zoning Plate Number: Zoning Plate Number 4

Legal Description: Lot 6, Block 2, California Park Addition

Existing Use: Convenience store.

Appropriate Section(s) of the Zoning Code: Chapter 525, Article VI, Zoning Amendments and Chapter 530 Site Plan Review.

Background: The site has been used as a convenience store since approximately 1975. All convenience stores are required to obtain site plan review approval. In December of 2001 the site was brought in for compliance. At that time staff discovered that the northernmost lot (40 feet wide) was zoned R2B Two-family Residential. There is parking on this part of the site. Parking for a commercial use is not allowed in a residential district. Since the applicant could not prove that the parking was installed legally, he was required to rezone this part of the property in order to allow it to remain as parking.

While the applicant was in the process of obtaining the rezoning signatures, the moratorium on grocery stores was implemented. The moratorium prohibits the establishment, reestablishment, or expansion of any grocery store or automobile convenience facility in the C1 and C2 Districts in an area between Penn and Lyndale Avenues North and 26th and 44th Avenues North. The applicant received a waiver from this moratorium on October 11, 2002. The Webber-Camden Neighborhood Organization supports the rezoning and site plan review for this site (see attached letter).

REZONING (from R2B Two-family Residential to C1 Neighborhood Commercial)

Findings As Required By The Minneapolis Zoning Code:

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

The comprehensive plan shows these parts of Fremont Avenue North and Dowling Avenue North as community corridors. *The Minneapolis Plan* states the following about community corridors:

“Community Corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.”

In general community corridors support medium density residential and limited commercial use which is measured against its impacts on residential character. In general C1 zoning is appropriate on community corridors. The majority of the site is already zoned C1 and this rezoning would only expand the district by 40 feet to the north. This will allow a condition that has existed for several years to remain. The use is subject to site plan review, so there will be site improvements that will mitigate any of the negative impacts of the parking area. Therefore, it is the opinion of staff that this rezoning is in conformance with the comprehensive plan.

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

The rezoning is in the interest of the applicant. However, the rezoning will allow for a more efficient parking lot design and landscaping buffer, which is in the interest of surrounding properties.

- 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.**

There are residential uses immediately adjacent to the property to the north and west. There are commercial uses zoned C1 on two of the other three corners at this intersection. The rezoning would match the proper zoning with the existing land use.

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

The R2BDistrict allows single-family and two-family-homes, which would be a reasonable use of the property. However, it may not be reasonable to require the site to remove the north 40 feet of the parking area and relocate the driveway 40 feet to the south to make this lot 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.**

There has not been a change in the character of the area, but this rezoning would expand the existing C1 District to legalize conditions that have existed for several years.

SITE PLAN REVIEW

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.

The building is existing and is located at the back of the site. The area between the building and the sidewalk contains parking and landscaping. The principal entrance faces Fremont Avenue North. All four sides of the building are painted in a compatible manner.

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.

Public Works and the Fire Department have reviewed the parking layout and find it acceptable. However, Public Works and the zoning code require that alley access be closed to the site. Staff recommends the installation of bollards and a chain along the alley to prevent vehicles from driving across the landscaped area on the north side of the building. It is not possible to provide direct connections to the public sidewalk due to the location of the building and grade changes on the site. There is room for snow storage on the site.

LANDSCAPING AND SCREENING:

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

Approximately 21 percent of the site is landscaped. The required number of bushes and trees need to be increased to meet the requirements of the code. The City's landscaping consultant has reviewed the plan and finds it acceptable if the additional trees and bushes are added to the plan. It will be difficult to provide trees along the street frontages due to the width of the landscaped area, so the applicant will provide additional trees along the north property line as an amenity in lieu of the frontage trees. The parking lot is bounded by the required 6-inch by 6-inch continuous concrete curbing. Staff recommends that it be waived on the east side and on the north side of the site to allow for on-site retention of stormwater. There is an existing curb along the sidewalk that will prevent water from draining across the sidewalk.

ADDITIONAL STANDARDS:

- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be

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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 will comply with Chapters 535 and 541. The parking area will be screened to the standards of the code and to prevent headlights from shining on residential properties. The City's CPTED officer has recommended that all plantings follow the 3' – 7' rule to allow visibility into the site.

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

ZONING CODE:

Specific Development Standards: Section 536, Specific Development Standards, requires the premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing litter.

Hours of Operation: Hours of operation allowed under the C1 Neighborhood Commercial District 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. The business is open everyday until 11:00 p.m. The Zoning Office has confirmed that these hours are grandfathered.

Signage: All existing signage is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code and requires permits from the zoning office. There are numerous temporary signs on the freestanding sign pole at the front of the site. these are not allowed by the zoning code and shall be removed.

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. A dumpster enclosure is provided.

Window obstructions: Section 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

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in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

MINNEAPOLIS PLAN:

Please see the rezoning section of this staff report.

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

There are no development plans or objectives approved by the City Council for this specific area beyond the Comprehensive Plan.

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.**

Alternative compliance is necessary to allow trees to be planted along the north property line in lieu of the trees along the street frontages.

RECOMMENDATION OF THE CITY PLANNING DEPARTMENT:

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REZONING

The City Planning Department recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning application from R2B to C1 for property located at 3807 Fremont Avenue North.

SITE PLAN REVIEW

The City Planning Department recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for property located at 3807 Fremont Avenue North subject to the following conditions:

- 1) Approval of the rezoning.
- 2) Staff review and approval of the final site and landscaping plans. All site improvements shall be completed by October 30, 2003 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs by January 20, 2003 or permits may be revoked for noncompliance.
- 4) Provision of bollards and a chain along the alley to prevent vehicular access to the site across the landscaped area.
- 5) The applicant considers joining Metro Transit's adopt-a-shelter program (612-349-7688) for maintaining the bus stop in front of the site.
- 6) All temporary signs around the site except those allowed by code shall be removed from the site.
- 7) Provision of additional bushes along the street frontages to meet the screening requirements of the code and provision of three trees along the north property line.