

Minneapolis City Planning Department Report

Waiver from Moratorium Application

Date: February 20, 2003

Applicant: Michael and Nancy Slattery, Gas Stop Corporation, 3755-59 Penn Avenue North

End of 60 Day Decision Period: N.A. - awaiting information on final site plan

Address Of Property: Gas Stop Corporation, 3755-59 Penn Avenue North, Mpls, MN 55412

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Planning Staff And Phone: Lonnie Nichols, 612-673-5468

Ward: 4 **Neighborhood Organization:** Cleveland Neighborhood Organization

Existing Zoning: Mixed: 3755 (lot adjacent to existing Gas Stop) zoned R2B (Two Family District)
3759 (Gas Stop bldg, two pumps, convenience store) zoned C1 (Neighborhood Commercial District)

Proposed use: ReZone both properties to C2 (Neighborhood Corridor Commercial) District. Upgrade the existing Gas Stop building and convenience store and add two more gas pumps (total of four pumps).

Reason For Waiver: The site is located in the area of a moratorium on establishment or reestablishment of convenience/grocery stores in the C1 (Neighborhood Commercial) district between Penn and Lyndale Avenues North and 26th and 44th Avenues North.

Appropriate Section(s) of the Zoning Code: Chapter 525 Administration and Enforcement, Chapter 529 Interim Ordinances (529.50 Waiver of Restriction), Chapter 530 Site Plan Review, Chapter 531 Nonconforming Uses and Structures, Chapter 546 Residence District, Chapter 548 Commercial Districts

Background:

3759 Penn Avenue North is a legal nonconforming gas station in the C-1 Zoning District. The adjacent parking area, 3755 Penn Avenue North, is zoned R2B and has been used as a parking lot accessory to the gas station for an indefinite number of years. The grapevine has informed staff that a former owner of 3755-59 Penn Avenue North demolished the house on 3755 and paved the lot without the permission of the City. This is a zoning violation the applicants (current owners) inherited and are attempting to rectify during a major Site Plan Review that will include a rezoning application to C-2 zoning for both lots (3755-59 Penn Av N). The applicants also own the residential property 3751 Penn Avenue North located in the R2B zoning district.

Site Analysis

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The property is located at the intersection of Dowling Avenue and Penn Avenue North. It is surrounded by R4 to the North, R1A to the Northwest, R1 and OR2 (a cemetery) to the Northeast, C1 to the East, R5 to the West, R2B to the South and Southeast, and R1A to the Southwest. This intersection is designated as a Community Corridor, Commercial Node in the Minneapolis Plan (Chapters 4.1, 4.2, 4.4, 4.5, 9.27).

Investigation by Licenses Department

Licensing staff assigned to this project area was not available for comment due to vacation leave.

Neighborhood Review

The applicant submitted a memo (attached) stating that representatives from the Gas Stop met with the Cleveland Neighborhood Association on November 18, 2002 to discuss the proposed improvements to the Gas Stop properties. The applicant stated the members and neighbors who were in attendance seemed to all be in favor of the proposed improvements and rezoning of the site. The applicants also state Barbara Johnson, Council Member –Ward 4, is in favor of the rezoning.

Limited Site Plan Review Standards (If Warranted):

Section 530.140(e): To the extent possible, site plans shall minimize the use of impervious surface.

Section 530.150: Not less than 20% of the site not occupied by buildings shall be landscaped.....

Section 530.240(b): Parking and loading facilities and other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.

Section 531.50: Expansion or alteration to nonconforming uses and structures.

Chapter 548.140: Yard Requirements: Setback calculated by adjacent residential property at 3751 Penn

Chapter 548 Table 2: Lot Dimension Requirements in Commercial Districts. Automobile Services have a minimum Lot Area of 12,000 sf and a minimum Lot Width of 100 feet. The applicant is proposing a Lot Area of 9778 sf (40 + 37.6 x 126) and Lot Width of 77.6 feet.

Chapter 525.520(2): Vary lot area or lot width requirements up to 20%, (12,000 – (12K x 20%) = 9600 sf)

Findings:

Section 576.50 provides that in cases of hardship the City Council may grant a waiver of all or a portion of the applicable restrictions as provided for in Chapter 529 of the zoning code. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Hardship: A waiver is required for the business to apply for Site Plan Review and a rezoning application. The applicants desire to expand onto 3755 Penn Avenue North and waiting for the moratorium to end would be a hardship.

Affect on planning process: The moratorium will be in effect until at least May 2003. Planning staff has begun collecting information to conduct a study of the impacts of the uses captured in the moratorium.

Recommendation of The City Planning Department:

The City Planning Department recommends that the City Council adopt the above findings and **approve** the waiver. If the waiver is approved, the applicant will be able to proceed with filing site plan and rezoning applications with the Zoning Office to be reviewed by the City Planning Department.