

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variance and Site Plan Review
BZZ-5052

Date: April 11, 2011

Applicant: Global One Properties, Inc., Attn: Mohamud Ali, 1144 Kyber Lane NE, Columbia Heights, MN 55421. (612) 529-5116

Address of Property: 3650 Stinson Boulevard NE

Project Name: Midwest Auto Repair

Contact Person and Phone: Disenos, Attn: Jeff McElmury, 2335 Rhode Island Avenue South, St. Louis Park, MN 55426, (612) 309-1234

Planning Staff and Phone: Becca Farrar, Senior City Planner, (612) 673-3594

Date Application Deemed Complete: March 2, 2011

End of 60-Day Decision Period: April 30, 2011

End of 120-Day Decision Period: On March 8, 2011, Staff sent a letter to the applicant extending the decision period to no later than June 29, 2011.

Ward: 1 **Neighborhood Organization:** Waite Park Community Council

Existing Zoning: C2 (Neighborhood Corridor Commercial) District and R1 (Single-family) District and SH (Shoreland) Overlay District

Proposed Zoning: C2 (Neighborhood Corridor Commercial) District.

Zoning Plate Number: 6

Lot area: 23,292 square feet or approximately .53 acres

Legal Description: Lots 2 and 3, Block 1, Liberty Heights Second Addition

Proposed Use: Minor automobile repair facility.

Concurrent Review:

- Petition to rezone a portion of the subject property from the R1 (Single-family) district to the C2 (Neighborhood Corridor Commercial) district.
- Conditional Use Permit for a minor automobile repair facility.
- Variance of the off-street parking requirement.
- Site Plan Review to allow an 870 square foot, single-story addition to an existing structure for a minor automobile repair facility.

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

Background: The site is currently occupied by an L-shaped commercial structure constructed in 1954 formerly used for automobile repair and as an automobile parts retail store. The property has been vacant since 2007. The subject property is located on the northeastern boundary of the City fronting on Stinson Boulevard NE and 37th Avenue NE. The property is currently split-zoned as the northern portion of the site is zoned C2 and the southern portion of the site is zoned R1. The building straddles the zoning district line. In order for the applicant to construct an approximate 870 square foot, single-story addition for the purposes of adding two additional service bays on the northwest corner of the site and occupy the structure as a minor vehicle repair facility, a rezoning of the R1 portion of the site to C2 is required. A conditional use permit is required for a minor automobile repair facility and an off-street parking variance is required from 20 spaces to 13 spaces. Site plan is also required as automobile services uses are subject to site plan review.

The applicant proposes to relocate his business, Midwest Auto Repair, from its current location at 2410 Second Street N. to the 3650 Stinson Boulevard NE site. The applicant is proposing to remodel the existing customer waiting area, install new storefront windows, refinish the exterior of the structure, construct a small addition on the northwest side of the site, consolidate curb cuts and provide perimeter landscaping. All existing wall signage shall be removed and new signage installed as noted in the plans.

Staff has not received official correspondence from the Waite Park Community Council prior to the printing of this report. All correspondence received prior to the Planning Commission meeting will be forwarded on for consideration.

REZONING

Findings as Required by the Minneapolis Zoning Code:

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

According to *The Minneapolis Plan for Sustainable Growth*, the subject parcel is located within an urban neighborhood along the northeastern boundary of the City. There are no other designated land use features within close proximity to the subject site. The majority of the properties within the immediate vicinity are zoned R1; however, the property located to the west is zoned R3 and as previously mentioned, a portion of the subject site is zoned C2. The proposal to rezone the remainder of the site to the C2 district in this specific circumstance, results in the elimination of a split zoning situation that allows for the utilization of an existing building in a manner that is similar to how the building has historically functioned. Based on this unique circumstance the proposal is generally consistent with the relevant provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation steps: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development; (1.2.2) “Ensure that lighting and signage associated with non-residential uses do not create negative impacts for residential properties.

Land Use Policy 1.2. of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable

implementation step: (1.2.1) “Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.”

Land Use Policy 1.6 of *The Minneapolis Plan for Sustainable Growth* states, “Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts. This policy includes the following applicable implementation steps: (1.6.1) “Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.”

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

A rezoning to allow the site to be classified as one zoning designation would be considered in the interest of the property owner, as it would allow for the expansion and the establishment of a new minor automobile repair facility. The amendment could also be considered beneficial to the public interest insofar as it would allow for a vacant structure to be occupied as well as various site and building improvements that result in a more aesthetically pleasing site.

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 site is currently zoned both C2 and R1. The site is located within an urban neighborhood along the northeastern boundary of the City. There are no other designated land use features within close proximity to the subject site. The majority of the properties within the immediate vicinity are zoned R1; however, the property located to the west is zoned R3 and as previously mentioned, a portion of the subject site is zoned C2. The uses within the general area are predominantly residential. However, due to the fact that building exists and is partially located in a C2 district Staff believes that rezoning the remainder of the site to the C2 zoning district would be appropriate and compatible in this location.

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.

Planning Staff would argue that based on the fact that there is an existing commercial building on the property that is located in both the C2 and R1 districts, there are not reasonable uses of the property permitted under the R1 zoning district as commercial or automobile services uses are not allowed in residential districts. Planning Staff has included an attachment to the staff report which further details the differences between the existing and proposed zoning classification for the site.

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.

Under the 1963 Zoning Code, the C2 zoned portion of the subject property and the adjacent property to the west were zoned B2S-1 (Neighborhood Retail District). The portion of the subject property currently zoned R1 was zoned R1 at that time as well. Other surrounding properties were zoned similarly to what they are zoned today. Planning Staff would contend that there hasn't been a major change in the character and trend of

development within the general area but Staff believes that the rezoning request is reasonable and appropriate and is consistent with adopted policy.

CONDITIONAL USE PERMIT – to allow a minor automobile repair facility.

Findings as Required by the Minneapolis Zoning Code:

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

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

The Planning Division does not believe that allowing a minor automobile repair facility on the premises would be detrimental to or endanger the public health, safety, comfort or general welfare. While the surrounding area is predominantly residential, the site has been used for minor automobile repair and as an automobile parts retail store for many years. With the proposed site and building improvements proposed by the applicant, Planning Staff believes that the reestablishment of the use on the premises should not have adverse impacts.

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

The Planning Division does not believe that a minor automobile repair facility would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. As previously noted, the property has been used as a minor automobile repair facility and automobile retail parts store for many years. According to City records, the building has been vacant since 2007. Based on the occupation of the structure, building modifications and site improvements proposed for the site, it is anticipated that the proposal would help to strengthen and stabilize the area.

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

The applicant will continue to work closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements. The Preliminary Development Review (PDR) Report is attached for reference.

As for vehicular access, the applicant proposes to remove the two existing curb cuts closest to the intersection of Stinson Boulevard NE and 37th Avenue NE and relocate a third curb cut further away from the intersection. As proposed, there would be a total of two access points to the property instead of four curb cuts; one off of 37th Avenue and one off of Stinson Boulevard NE.

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

Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area excluding service bays plus 2 spaces per service bay. The gross floor area of the building excluding services bays is 4,935 square feet, so 10 parking spaces are required; there are also a total of 5 service bays which require 10 additional parking spaces. Therefore, a total of 20 off-street parking spaces are required for the proposed

development. The applicant is proposing a total of 14 spaces; 4 parallel spaces adjacent to 37th Avenue NE and 10 spaces on the east side of the site. One of the parallel spaces will need to be removed as the spaces in their current configuration do not meet the dimensional requirements. Therefore, a total of 13 spaces would be provided on the premises. The applicant has filed a variance to reduce the minimum parking requirement. There is no bicycle parking requirement for automobile services uses.

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

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed conditional use permit application as well.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

If all land use/zoning applications are approved, including the rezoning, conditional use permit, variance and site plan review, the proposal would appear to comply with all applicable provisions of the C2 District. The use is also subject to the specific development standards as outlined in Chapter 536 of the Zoning Code.

VARIANCE - to reduce the required off-street parking from 20 to 13 spaces.

Findings as Required by the Minneapolis Zoning Code for the Variance:

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

The applicant is seeking a variance to reduce the off-street parking requirement from 20 spaces to 13 spaces. The building the applicant proposes to occupy exists on the premises and the small addition proposed for the site does not impact areas previously used for parking. The property has been used for automobile services uses and as a automobile parts retail store in the past. Allowing a reduction in the off-street parking requirement to allow the building to be occupied by a use adapted specifically to the existing structure is reasonable given the existing conditions, and further, is consistent with adopted policy.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

The circumstances are unique in this specific instance as there is a building that exists on the premises that is designed for automobile services uses. The existing built form on the property and its configuration on the site exists; it has not been created by any persons presently having an interest in the property and does not allow for additional opportunities for off-street parking spaces. The site has been redesigned to maximize the number of off-street parking spaces provided as well as supply landscaping and screening along all sides of the subject site. The proposed addition does increase the off-street parking requirement for the use; however, the area available for parking on the site is being diminished by the required landscaping improvements.

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

The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance by allowing the building to be occupied as originally intended by a minor automobile repair facility. As previously mentioned, the structure exists and the applicant proposes to modify the site by closing and relocating existing curb cuts, providing landscaped yards and screening as well as exterior improvements to the existing structure which include additional windows, less signage and a new stucco finish. Planning Staff believes that the variance to allow a reduction in parking, which allows the use as proposed, will not adversely alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

The Planning Division believes that the granting of the off-street parking variance would likely have no impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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, windows, and active functions:
 - Residential uses:
 - 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.
 - g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.
Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- Ground floor active functions: Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.
- 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with

provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

With the exception of a small, single-story 870 square foot (approximately 29 feet x 30 feet) building addition, the remainder of the structure is existing. The building is setback from both street frontages and the proposed addition transforms the existing L-shaped structure into a rectangular structure as the addition is proposed adjacent to the interior side yard along 37th Avenue NE. Alternative compliance is necessary for the proposed building addition as it is not located within 8 feet of either property line (in an attempt to make the structure less non-conforming to the building placement regulations). Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance due to the fact that the building addition is proposed in the preferred location when considering the existing built form and site circulation issues.

The majority of the building is existing and the existing elevations will not be evaluated for the purposes of the window requirement. Typically, non-residential developments are subject to a 30% window requirement. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The new addition faces 37th Avenue NE, so the north elevation of the proposed addition is subject to the 30% window requirement. The proposed addition includes two new service bays; therefore the applicant is proposing garage doors along this elevation instead of windows. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance subject to the provision that the new overhead doors must be at least 30% transparent. Planning Staff further encourages the applicant to incorporate completely transparent doors.

The 10% window requirement on each floor above the first floor does not apply as the building is single-story. The windows in the existing building are horizontal and vertical in nature but are not evenly distributed. Alternative compliance is not necessary as it is an existing condition.

The building complies with the active functions provision facing 37th Avenue NE and a along a portion of the building wall along Stinson Boulevard NE where there is a waiting area for customers. The remainder of the east elevation along Stinson Boulevard NE does not comply with this provision as there is a large parts and storage room. Alternative compliance would be necessary. As previously noted, the majority of the structure is existing and that portion of the structure has been used previously as a parts and storage area. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance.

The exterior materials and appearance of the rear and side walls of the proposed/existing building would be similar to and compatible with the front of the building. The applicant is proposing to reface the structure with stucco. The proposed/existing building incorporates some architectural elements including windows and entries. There is a blank uninterrupted wall that exceeds 25 feet in width on the west elevation of the new addition. Alternative compliance would be necessary. Planning Staff would recommend that the applicant install a window similar to those located on the existing west building elevation to break up the blank wall. The existing/proposed roofline is flat.

The parking proposed for the development is accessed via two curb cuts; one off of 37th Avenue NE and the other off of Stinson Boulevard NE. There are a total of 13 conforming parking stalls proposed within the surface parking lot. No ramp is proposed as part of the development.

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.

The existing building is setback from the property lines and is not directly connected to the public sidewalk, however, there are walkways on site at least 4 feet in width that connect the majority of the on-site parking spaces to the building entrances. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance due to the existing site conditions. In order to provide said walkway, it would need to be constructed through the on-site driveway.

No transit shelters are proposed as part of this development; however, the site is located along a bus line and a bus stop is located in front of the building along 37th Avenue NE.

The development has been designed to minimize conflicts with pedestrian traffic and surrounding residential uses. As previously noted, the applicant proposes to remove the two existing curb cuts closest to the intersection of Stinson Boulevard NE and 37th Avenue NE and relocate a third curb cut further away from the intersection. As proposed, there would be a total of two access points to the property instead of four curb cuts; one off of 37th Avenue and one off of Stinson Boulevard NE.

There are no public alleys adjacent to the site.

According to the applicant's submittal, approximately 24% of the site (not occupied by the building) will be landscaped. Currently there is no landscaping on the premises. The proposal would result in a large reduction in impervious surfaces on the premises.

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 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.

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- **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.**

The zoning code requires that at least 20% of the site not occupied by the building be landscaped. The lot area of the site is 23,292 square feet. The footprint of the building is 6,936 square feet. When you subtract the footprint from the lot size the resulting number is 16,356 square feet.; 20% of this number is 3,271 square feet. According to the applicant's landscaping plan there is 3,924 square feet of landscaping on the site or approximately 24% percent of the site not occupied by the building. Currently there is no landscaping on the subject site; it is entirely impervious.

The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 7 trees and 33 shrubs. The applicant is proposing to plant 5 canopy trees, 1 ornamental tree and 54 shrubs on the site. Additionally, the applicant will be installing sod within the existing bituminous boulevard along both street frontages. Alternative compliance is required for the quantity of trees proposed. Planning Staff will recommend that the Planning Commission require compliance with this provision.

A seven-foot wide landscaped yard is required between the parking area and the north, south, east and west sides of the property. The applicant is providing a seven foot wide yard along all property lines; however, it is not landscaped and screened in accordance with the Zoning Code which requires alternative compliance. Planning Staff will recommend that the Planning Commission require that the final plan be modified to meet all landscaping and screening standards as outlined in Section 530.170 of the Zoning Code.

In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. None of the parking spaces on the south side of the site comply with this requirement. Alternative compliance would be required. Planning Staff will recommend that the Planning Commission require that the landscaping plan be revised to meet this provision. The surface parking lot also requires alternative compliance as the plan currently does not meet the 25 foot linear tree requirement along both 37th Avenue NE and Stinson Boulevard NE. A total of 3 canopy trees are required along 37th Avenue NE and 4 canopy trees along the Stinson Boulevard NE frontage to meet the requirement. Planning Staff will recommend that the Planning Commission require compliance and have the plan modified accordingly. No tree island are proposed on the premises.

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.

The surface parking area will need to be modified to accommodate stormwater runoff in the green space areas on the subject site.

Staff would not expect the proposal to result in the blocking of any views, shadowing impacts or impacts on light, wind and air in relation to the surrounding area. The majority of the building exists and a small, single-story 870 square foot addition is proposed on the west side of the site.

The site plan generally complies with crime prevention design elements as there are walkways that direct people to the building entrance, there are windows that allow for some natural surveillance, and the site appears to be well lit.

This site is neither historically designated nor located in a historic district.

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 use of the site is conditional in the C2 District. If all land use/zoning applications are approved, including the rezoning, conditional use permit, variance, and site plan review, the proposal would comply with all applicable provisions of the C2 district. The use is also subject to the specific development standards outlined in Chapter 536 of the Zoning Code which are as follows:

Automobile repair, minor

- (1) All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
- (6) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from

residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

- (7) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Parking and Loading:

Minimum automobile parking requirement: Chapter 541 of the zoning code requires 1 parking space per 500 square feet of gross floor area excluding service bays plus 2 spaces per service bay for minor automobile repair facilities. The gross floor area of the building excluding services bays is 4,935 square feet, so 10 parking spaces are required; there are also a total of 5 service bays which require 10 additional parking spaces. Therefore, a total of 20 off-street parking spaces are required for the proposed development. The applicant is proposing a total of 14 spaces; 4 parallel spaces adjacent to 37th Avenue NE and 10 spaces on the east side of the site. One of the parallel spaces will need to be removed as the spaces in their current configuration do not meet the dimensional requirements. Therefore, a total of 13 spaces would be provided on the premises which requires a variance as outlined above.

Maximum automobile parking requirement: The maximum automobile parking requirement for minor automobile repair facilities is 1 space per 200 square feet of gross floor area plus 2 spaces per service bay. Based on the gross floor area of the building excluding service bays which is 4,935 square feet, 25 off street parking spaces would be the maximum for this component. Additionally, there are a total of 5 service bays which would allow 10 additional off-street parking spaces. Therefore, the maximum off-street parking requirement for the facility would be 35 off-street parking spaces. As previously noted, the applicant is proposing to provide a total of 13 spaces which meet the dimensional requirements outlined in Chapter 541 of the Zoning Code.

Bicycle parking requirement: There is no bicycle parking requirement for automobile services uses.

Loading: There is no loading requirement for automobile services uses under 10,000 square feet; therefore, no loading space is required for the proposal.

Dumpster screening: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The development complies with this provision as the trash will be stored within the building.

Hours of Operation: The hours of operation allowed for the proposed use are 6 am to 10 pm Sunday through Thursday and 6 am to 11 pm Friday and Saturday. The development will comply with these hours of operation.

Signs: All signs will be expected to comply with Chapter 543 of the Zoning Code. All new signage requires a separate permit from the Zoning Office. The existing pole sign for the business is located in the public right-of-way and must be removed. Planning Staff will not authorize the pole sign to be relocated on the premises as pole signs are prohibited.

Lighting: The applicant is proposing to install wall mounted light fixtures throughout the site. A photometric plan was not submitted as part of the application and will be required with the final submittal. All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541

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and Planning Staff shall review the details of the fixtures in the final review prior to permit issuance. Backlit signs are prohibited.

Maximum Floor Area: The maximum F.A.R. in the C2 district is the gross floor area of the building which would be approximately 6,936 square feet divided by the area of the lot which is 23,292 square feet. The outcome is approximately .30 which is less than the maximum of 1.7 that is permitted in the C2 District. The proposal is in compliance with this requirement.

Minimum Lot Area: Not applicable for this development.

Dwelling Units per Acre: Not applicable for this development.

Height: Maximum building height for principal structures located in the C2 district is 4 stories or 56 feet, whichever is less. The existing building and the proposed addition would be equal in height totaling 1 story or 16 feet, 8 inches tall which conforms to the requirement.

Yard Requirements: The required yards are as follows:

- *Front yard – Stinson Boulevard NE* - approximately 28 feet for the first 40 feet due to the residential structure located to the south of the subject site.
- *Corner side yard – 37th Avenue NE* - 0 feet
- *Interior side yard/rear yard (5+2x):* 5 feet

Building coverage: Not applicable for this development.

Impervious surface area: Not applicable for this development.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

See the above listed response to finding #1 in the rezoning application. The policies and implementation steps outlined apply to the proposed conditional use permit application as well.

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

There are no adopted small area plans for this area.

ALTERNATIVE COMPLIANCE:

- **The Planning Commission or zoning administrator 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.**

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Alternative compliance is requested by the applicant to meet the following standards:

- *Building placement:* With the exception of a small, single-story 870 square foot (approximately 29 feet x 30 feet) building addition, the remainder of the structure is existing. The building is setback from both street frontages and the proposed addition transforms the existing L-shaped structure into a rectangular structure as the addition is proposed adjacent to the interior side yard along 37th Avenue NE. Alternative compliance is necessary for the proposed building addition as it is not located within 8 feet of either property line (in an attempt to make the structure less non-conforming to the building placement regulations). Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance due to the fact that the building addition is proposed in the preferred location when considering the existing built form and site circulation issues.
- *30% window requirement:* The majority of the building is existing and the existing elevations will not be evaluated for the purposes of the window requirement. Typically, non-residential developments are subject to a 30% window requirement. Windows between 2 and 10 feet are required in order to provide natural surveillance and visibility by having active uses located along public streets. The new addition faces 37th Avenue NE, so the north elevation of the proposed addition is subject to the 30% window requirement. The proposed addition includes two new service bays; therefore the applicant is proposing garage doors along this elevation instead of windows. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance subject to the provision that the new overhead doors must be at least 30% transparent. Planning Staff further encourages the applicant to incorporate completely transparent doors.
- *Active functions provision:* The building complies with the active functions provision facing 37th Avenue NE and a along a portion of the building wall along Stinson Boulevard NE where there is a waiting area for customers. The remainder of the east elevation along Stinson Boulevard NE does not comply with this provision as there is a large parts and storage room. Alternative compliance would be necessary. As previously noted, the majority of the structure is existing and that portion of the structure has been used previously as a parts and storage area. Planning Staff would recommend that the Planning Commission grant alternative compliance in this circumstance.
- *Blank wall provision:* There is a blank uninterrupted wall that exceeds 25 feet in width on the west elevation of the new addition. Alternative compliance would be necessary. Planning Staff would recommend that the applicant install a window similar to those located on the existing west building elevation to break up the blank wall. The existing/proposed roofline is flat.
- *Landscape quantities:* The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 7 trees and 33 shrubs. The applicant is proposing to plant 5 canopy trees, 1 ornamental tree and 54 shrubs on the site. Alternative compliance is required for the quantity of trees proposed. Planning Staff will recommend that the Planning Commission require compliance with this provision.
- *Landscaping / screening requirement:* A seven-foot wide landscaped yard is required between the parking area and the north, south, east and west sides of the property. The applicant is providing a seven foot wide yard along all property lines; however, it is not landscaped and screened in accordance with the Zoning Code which requires alternative compliance. Planning Staff will recommend that the Planning Commission require that the final plan be modified to meet all landscaping and screening standards as outlined in Section 530.170 of the Zoning Code.

- Proximity to an on-site deciduous tree: In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. None of the parking spaces on the south side of the site comply with this requirement. Alternative compliance would be required. Planning Staff will recommend that the Planning Commission require that the landscaping plan be revised to meet this provision.
- 25 foot linear tree requirement: The surface parking lot also requires alternative compliance as the plan currently does not meet the 25 foot linear tree requirement along both 37th Avenue NE and Stinson Boulevard NE. A total of 3 canopy trees are required along 37th Avenue NE and 4 canopy trees along the Stinson Boulevard NE frontage to meet the requirement. Planning Staff will recommend that the Planning Commission require compliance and have the plan modified accordingly.
- Walkway connection to the public sidewalk: The existing building is setback from the property lines and is not directly connected to the public sidewalk, however, there are walkways on site at least 4 feet in width that connect the majority of the on-site parking spaces to the building entrances. Alternative compliance is necessary. Planning Staff would recommend that the Planning Commission grant alternative compliance in this specific circumstance due to the existing site conditions. In order to provide said walkway, it would need to be constructed through the on-site driveway.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development - Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the rezoning petition to change the zoning classification of the property located at 3650 Stinson Boulevard NE from the R1 district to the C2 district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application to allow a minor automobile repair facility on the property located at 3650 Stinson Boulevard NE subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The use shall comply with the Specific Development Standards as outlined in Section 536.20 of the Zoning Code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:

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The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance application to reduce the off-street parking requirement from 20 spaces to 13 spaces for the property located at 3650 Stinson Boulevard NE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a new minor automobile repair facility on the property located at 3650 Stinson Boulevard NE subject to the following conditions:

1. Planning Staff review and approval of the final site, elevation, lighting and landscaping plans.
2. All site improvements shall be completed by April 11, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Curb openings shall be incorporated adjacent to landscaped areas in order to accommodate stormwater runoff from the site.
4. The new overhead doors on the building addition must be at least 30% transparent. Planning Staff further encourages the applicant to incorporate completely transparent doors.
5. No rock mulch shall be permitted on the final landscape plan.
6. The landscape plan shall be revised to meet the quantities required by Section 530.160 of the Zoning Code.
7. The landscape plan shall be modified to meet all standards outlined in Section 530.170 of the Zoning Code, including landscaping and screening, the 25-foot linear tree requirement and the provision pertaining to the proximity of deciduous trees to on-site parking.
8. The existing pole sign shall be removed from the premises.

Attachments:

1. Rezoning Matrix
2. Statement of proposed use and description of the project
3. Conditional use permit and variance findings
4. Correspondence
5. Zoning Map
6. Civil drawings, site plan/ landscaping plan, and elevations
7. Photographs of the site
8. PDR notes