

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Expansion of Non-Conforming Use, Variances and Site Plan Review
BZZ-3198

Date: January 22, 2006

Applicant: Clay and Mia Lambert

Address of Property: 2700 University Avenue Southeast

Project Name: Prospect Park Citgo

Contact Person and Phone: Clay and Mia Lambert, (612) 298-8982

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: September 6, 2006

End of 60-Day Decision Period: November 5, 2006

End of 120-Day Decision Period: A 60-day extension letter was mailed on September 29, 2006, extending the 120-day decision period to January 4, 2007. The applicant has further extended the time for review to March 5, 2007.

Ward: 2 Neighborhood Organization: Prospect Park East River Road Improvement Association

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 22

Legal Description: Not applicable

Proposed Use: Automobile convenience facility

Concurrent Review:

Conditional use permit: to reconstruct an automobile convenience facility.

Expansion of a non-conforming use: to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.

Variance: to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle.

Variance: to reduce the east interior side yard setback from the required 7 feet to 4 (previously 0)feet to permit a stacking lane for the car wash.

Variance: to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash.

Variance: of the stacking requirements for the car wash from the required 13 (previously 15) to 7.

Variance: of the stacking requirement for the gasoline pump islands from the required 6 to 2.

Variance: of the parking requirement from the required 20 (previously 21) spaces (16 for the automobile convenience facility and second floor offices and 4 (previously 5) for the car wash) to 15 spaces.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(1) “to vary the yard requirements, including permitting obstructions into required yards not allowed by the applicable regulations” and Section 525.520(7) “to reduce the applicable off-street parking requirements up to one hundred percent, provided the proposed use or building serves pedestrian or transit-oriented trade or occupancy, or is located near an off-street parking facility that is available to the customers, occupants, employees and guest of the use,” Chapter 530, Site Plan Review and Chapter 531, Nonconforming Uses and Structures

Background: The applicant is proposing to demolish the existing automobile convenience facility, including the gasoline pump islands and canopy, and reconstruct a new facility. The new automobile convenience facility will be two stories in height. On the second floor of the building there will be approximately 2,000 square feet of office space and approximately 3,130 square feet of storage space. The majority of the office space on the second floor will be rented out to others for their own personal use. The only portion of the site that is not going to be removed as part of this redevelopment are the underground gas tanks located on the northeast corner of the site.

The site is zoned C1, Neighborhood Commercial District. Automobile convenience facilities, existing on the effective date of the ordinance (November 1999), are a conditional use in the C1 district. Given this a conditional use permit is required in order to rebuild the facility. However, car washes are not a permitted use in the C1 district and therefore an expansion of a non-conforming use certificate is required in order to re-build the car wash on the site. Car washes are first allowed in the C2, Neighborhood Corridor Commercial District. The other applications that are being reviewed for this application include setback variances, variances to reduce the number of stacking spaces and parking spaces and site plan review.

Please note that the site is located two blocks from a proposed light rail transit station on the Central Corridor. Also, a small area plan titled *University Avenue SE/29th Avenue SE Transit Corridor Development Objectives* has been written and will be presented to the City Planning Commission for review and approval in the near future. Further, the Planning Division will be following up on the adoption of the above referenced plan and the SEMI plan with a rezoning study for review and approval by the City Planning Commission.

This development has not been reviewed at a Preliminary Development Review meeting with Public Works. The Planning Division reminded the applicant of this meeting via e-mail on September 15, 2006.

This development project was continued from the December 18, 2006, Planning Commission meeting. Since that time the applicants have made some modifications to the site plan and elevations. The changes that have occurred include increasing the east interior side yard setback from zero feet to four

feet, reducing the length of the car wash, increasing the amount of landscaping on the site and revising the elevations.

CONDITIONAL USE PERMIT - to reconstruct an automobile convenience 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 an automobile convenience facility would be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area. Although there are residential uses located immediately to the south of the site, the property located at 2700 University Avenue Southeast has been utilized as an automobile convenience facility since 1963.

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

The Planning Division believes that allowing the applicant to demolish the existing automobile convenience facility and reconstruct a new facility on the site would be injurious to the use and enjoyment of other property in the vicinity and will impede the normal or orderly development and improvement of surrounding property. Although the property has been utilized as an automobile convenience facility since 1963, the type of use does not support adopted policies for designated Community Corridors and the site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*. The cumulative effect of the numerous variances and requested zoning code exceptions would result in a development that is not compatible with the surrounding area and that would likely discourage improvement of nearby properties.

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

The applicant will be working 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.

As for vehicular access, there are currently four access points leading into the site. Two are located along University Avenue Southeast and two are located along 27th Avenue Southeast. The applicant is proposing to reduce the number of access points leading into the site by one leaving one access point along University Avenue Southeast and two along 27th Avenue Southeast.

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

The parking requirement for an automobile convenience facility is one space per 300 square feet of gross floor area, for a car wash it is one space per 20 feet of washing line or bay and for an office it is one space per 300 square feet of gross floor area in excess of 4,000 square feet. Please note that all uses over 100 square feet are required to provide a minimum of four parking spaces regardless of their size. The size of the automobile convenience facility is approximately 3,720 square feet which requires 12 parking spaces, the length of the washing line is 88 feet which requires four parking spaces and the size of the office space is approximately 1,400 square feet which requires four parking spaces. In total, the parking requirement is 20 spaces. As proposed, there are a total of 15 parking spaces on site. The applicant has applied for a variance to reduce the number of parking spaces on the site.

In addition to the parking spaces, car washes and gasoline pump islands have a stacking requirement. The stacking requirement for a car wash is three spaces per 20 feet of washing line and the stacking requirement for a gasoline pump island is one space from each end of the pump island. The washing line is 88 feet in length which requires 13 stacking spaces and there are a total of three gasoline pump islands which requires six stacking spaces. As proposed, there are seven stacking spaces for the car wash and two stacking spaces for the gasoline pump islands. The applicant has applied for variances to reduce the stacking requirement for both of these elements of the site.

The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

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

The site is located on University Avenue Southeast which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 4.2).
- Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movements, and expands the range of goods and services (Policy 4.2)
- Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4)

The Planning Division does not believe that an automobile convenience facility, in the form proposed by the applicant, would be in conformance with the above policies of *The Minneapolis Plan*. Intensive commercial uses, such as an automobile convenience facility, are better suited for Commercial Corridors rather than Community Corridors which University Avenue Southeast is designated.

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

With the approval of the conditional use permit, expansion of a non-conforming use certificate, variances and site plan review this development will meet the applicable regulations of the C1 zoning district.

EXPANSION OF A NON-CONFORMING USE: to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and makes the following findings:

1 A rezoning of the property would be inappropriate.

The Planning Division believes that it would be inappropriate to rezone the property to accommodate a car wash. A car wash is first allowed in the C2, Neighborhood Corridor Commercial District. Although C2 zoning may be appropriate along University Avenue Southeast, which is a designated Community Corridor, such intensive automobile related uses are not desirable uses along Community Corridors

2 The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The existing automobile convenience facility and car wash are being demolished and a new facility will be constructed. The new building, which also houses the car wash, is proposed to be built along the south property line with the gasoline pump islands located between it and the property line along University Avenue Southeast. The stacking lane for the car wash will be located along the east property line. The Planning Division does not believe that the proposed site layout is compatible with adjacent properties or the vision for the neighborhood. The buildings in the immediate vicinity have been constructed near the property line along University Avenue Southeast. Constructing the proposed building towards the back of the site would be out of character with these structures. And again, as mentioned above, the site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*.

3 The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there will be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area and parking congestion on the surrounding streets. As far as noise, dust and odors, the Planning Division does not believe that the proposed use would have any adverse off-site impacts given that if the use were to be approved the applicant would have to comply with all local, state and federal regulations and requirements for automobile convenience facilities and car washes.

4 The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.

Although the proposed building may be more aesthetically pleasing than the existing building, the Planning Division does not believe that the site layout is compatible with adjacent properties or the vision for the neighborhood and therefore would not improve the appearance or the stability of the neighborhood.

5 In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

No dwelling units will be constructed as part of this development.

6 The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.

The site is not located in the Floodway District.

VARIANCE - to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle

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.

Front yard setback: The applicant is seeking a variance to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle. The applicant has pointed out that current standards for automobile convenience facilities require larger retail spaces and longer car washes. The applicant has indicated that the need for the variance stems from the placement of the new curb cut further to the east in order to avoid congestion near the intersection of University Avenue Southeast and 27th Avenue Southeast and the desire to save an existing ash tree on the boulevard.

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.

Front yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Front yard setback: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. The site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*.

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.

Front yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash

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.

East interior side yard setback: The applicant is seeking a variance to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash. The applicant has pointed out that current standards for automobile convenience facilities require larger retail spaces and longer car washes. The applicant has indicated that to comply with the setback requirement less productive car wash equipment would have to be utilized which causes a hardship.

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

East interior side yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

East interior side yard setback: The Planning Division does not believe that the granting of the variance would be in keeping with the intent of the zoning code. The site layout of the proposed facility does not support the building placement and design standards in the Site Plan Review chapter of the zoning code or the policies in *The Minneapolis Plan*.

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.

East interior side yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash

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.

Rear yard setback: The applicant is seeking a variance to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash. The applicant has pointed out that current standards for automobile convenience facilities require parking spaces to be located in front of the building but also a greater distance between the parking spaces and the gasoline fuel pumps. The applicant has indicated that because of this the building has been located up to the south property line.

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.

Rear yard setback: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Rear yard setback: The intent of having yard controls is to provide for the orderly development and use of land and to minimize conflicts between adjacent land uses by regulating the dimension and use of yards in order to provide adequate light, air, open space and separation of uses. In this case there are residential uses immediately to the south of the site. Locating the building directly on the property line does not allow room for an appropriate transition area between the two uses. It should also be noted that by placing the building on the property line would make it difficult for the applicant to repair the building wall unless access easements from the adjacent property owners were granted.

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.

Rear yard setback: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

VARIANCE - of the stacking requirements for the car wash from the required 13 to 7

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.

Car wash stacking: The applicant is seeking a variance of the stacking requirements for the car wash from the required 13 to 7. The applicant has pointed out that with the advancement of modern car wash technology, the need for strict car wash stacking requirements is not necessary. Tunnel-type car washes, which the applicant is proposing to use, takes approximately 1.5 minutes whereas the roll-up door type takes approximately 4.5 minutes. The applicant has indicated that to comply with the stacking requirement less productive car wash equipment would have to be utilized which causes a hardship.

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

Car wash stacking: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Car wash stacking: The intent of providing stacking spaces for a car wash is to ensure that there is room on the site for those vehicles that are waiting to use the car wash without interfering with other operations of the site. The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation on the site where vehicles are not able to maneuver around one another.

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.

Car wash stacking: The Planning Division believes that the granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety. However, the Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

VARIANCE - of the stacking requirement for the gasoline pump islands from the required 6 to 2

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.

Gasoline pump islands stacking: The applicant is seeking a variance of the stacking requirement for the gasoline pump islands from the required 6 to 2. The applicant has indicated that the length of the gasoline pump islands have been shortened which will increase the customer's ability to navigate around the pump islands.

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.

Gasoline pump islands stacking: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Gasoline pump islands stacking: The intent of providing stacking spaces for gasoline pump islands is to ensure that there is room on the site for those vehicles that are waiting to use the gasoline pumps without interfering with other operations of the site. The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation on the site where vehicles are not able to maneuver around one another.

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.

Gasoline pump islands stacking: The Planning Division believes that the granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety. However, the Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

VARIANCE - of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 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.

Parking requirement: The applicant is seeking a variance of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces. The applicant has indicated that the design of the site and the nature of the business should allow customers to enter and exit with rapid speed unlike other types of retail businesses. The applicant has also indicated that it is expected that some customers will either walk or bike to the site.

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.

Parking requirement: The Planning Division does not believe that the circumstances are unique to warrant the granting of the variance. The Planning Division believes that the site could be arranged differently eliminating the need for the variance altogether.

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.

Parking requirement: The intent of providing parking spaces is to ensure that there are enough parking spaces on a site to accommodate all aspects of the use. The Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation on the site where vehicles are not able to maneuver around one another.

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.

Parking requirement: The Planning Division believes that the granting of the variance would likely have little impact on fire safety, nor would the proposed variance be detrimental to welfare or public safety. However, the Planning Division believes that between the reduced number of parking spaces on site and the reduced number of stacking spaces for both the car wash and the gasoline pump islands that there is potential to create a situation where there could be a back up of vehicles on the site and in the public streets which could lead to increased traffic congestion in the immediate area.

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 FACADE:

- 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:**
 - **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.**

- **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 530.120 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.**

PLANNING DEPARTMENT RESPONSE:

- The building does not reinforce the street wall or facilitate pedestrian access along University Avenue Southeast as the building is setback from the property line and there is no direct access to the entrance to the building from the public sidewalk without walking through the gasoline pump islands and the parking area. And although setback from the street, the building wall facing University Avenue Southeast incorporates several large windows which maximizes natural surveillance of the front of the site. The building does reinforce the street wall and facilitates pedestrian access along 27th Avenue Southeast as the building is located close to the property line and the entrance to the building is directly connected to the public sidewalk. However, the 27th Avenue Southeast side of the building is lacking windows and therefore does not maximize natural surveillance.
- The applicant is proposing to construct a small attendant building on the northwest corner of the site. This 60 square foot building would be located 25 feet from University Avenue Southeast and on the property line along 27th Avenue Southeast. The Planning Division believes that although this building is located closer to the corner of the site than the principal building that given its size in comparison to the principal building the intent of the zoning code is not being met. The Planning Division does not believe that any alternative has been provided that meets the intent of the city's policies and regulations related to building placement and traditional urban form.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The building is setback approximately 93 feet from University Avenue Southeast and approximately 8 feet from 27th Avenue Southeast.
- The area in between the building and the property line along University Avenue South is occupied by parking spaces, gasoline pump islands, stacking lanes for the gasoline pump islands and drive aisles. The area in between the building and the property lines along 27th Avenue Southeast is occupied by green space and a walkway leading to the building.
- There are two principal entrances leading into the building. One is oriented towards University Avenue Southeast and the other is oriented towards 27th Avenue Southeast.
- All of the on-site parking associated with this development is located directly in front or to the east of the building.
- The exterior materials of the structure include masonry, corrugated metal panels and a cement based material. The sides and rear of the building are similar to and compatible with the front of the building.

- There are no areas of the building that are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. In the previous plans the south building wall was blank but has since been revised to include vertical columns spaced evenly along the facade.
- At least 30 percent of the first floor of the building and at least 10 percent of the upper floors of the University Avenue Southeast, 27th Avenue Southeast and east sides of the building are required to be windows. The analysis of the project's compliance with these requirements follows:
 - University Avenue Southeast: the percentage of windows on the first floor is 30 percent and the percentage of windows on the second floor is 22 percent.
 - 27th Avenue Southeast: the percentage of windows on the first floor is 17 percent and the percentage of windows on the second floor is 22 percent.
 - East side: the percentage of windows on the first floor is zero percent and the percentage of windows on the second floor is 12 percent.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building will be flat. This roofline is similar to other buildings found in the area.

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.**

PLANNING DEPARTMENT RESPONSE:

- Both of the principal entrances leading into the building are directly connected to the public sidewalk along 27th Avenue Southeast.
- No transit shelters are proposed as part of this development.
- All of the on-site parking associated with this development is located directly in front or to the east of the building.
- There are no public alleys adjacent to the site.
- There is no maximum impervious surface requirement in the C1 district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's landscaping plan there is 2,234 square feet of landscaping 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, 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.**
- **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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 23,169 square feet. The footprint of the building is 5,666 square feet. When you subtract the footprint from the lot size the resulting number is 17,503 square feet. Twenty percent of this number is 3,501 square feet. According to the applicant's landscaping plan there is 2,234 square feet of landscaping on the site or approximately 12.7 percent of the site not occupied by the building.
- 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 be planted on the site. The tree and shrub requirement for this site is 7 and 35 respectfully. The applicant is proposing to have two canopy tree and 92 shrubs located on the site. The applicant is also providing one ornamental tree and 200 perennials on the site.
- A seven-foot wide landscaped yard is required along all four sides of the property given the nature of the business. This requirement is not being met along University Avenue Southeast or the east or south sides of the property. However, this requirement is being met along the 27th Avenue Southeast side of the property.
- The applicant is proposing to locate a nine-foot, nine-inch high solid wood fence along the south property line. This fence would help screen the site from the adjacent residential uses to the south. Please note that fences over six feet in height require a fence height variance.

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.**

PLANNING DEPARTMENT RESPONSE:

- The majority of the site is covered with impervious surfaces. In the written responses to the conditional use permit findings, the applicant has indicated that an appropriate landscaping and irrigation plan will be developed.
- This building should not block views of important elements in the city.
- This building should cast minimal shadows on surrounding properties.
- This building should have minimal wind effects on the surrounding area.
- The Crime Prevention Specialist has not reviewed the project in regards to crime prevention design elements. CPTED standards typically call for buildings that reinforce a street presence and allow for direct observation between the public sidewalk and the interior or the building. The City has reviewed and approved other automobile convenience facilities that offer direct surveillance of both the public street and the gasoline pump islands.
- 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:

- **Use:** Automobile convenience facilities, existing on the effective date of the ordinance (November 1999), are a conditional use in the C1 district. Car washes are not a permitted use in the C1 district. However, because there is an existing car wash on the site the applicant has applied for an expansion of a non-conforming use certificate in order to re-build the car wash on the site.
- **Off-Street Parking and Loading:** The parking requirement for an automobile convenience facility is one space per 300 square feet of gross floor area, for a car wash it is one space per 20 feet of washing line or bay and for an office it is one space per 300 square feet of gross floor area in excess of 4,000 square feet. Please note that all uses over 100 square feet are required to provide a minimum of four parking spaces regardless of their size. The size of the automobile convenience facility is approximately 3,720 square feet which requires 12 parking spaces, the length of the washing line is 88 feet which requires four parking spaces and the size of the office space is approximately 1,400 square feet which requires four parking spaces. In total, the parking requirement is 20 spaces. As proposed, there are a total of 15 parking spaces on site. The applicant has applied for a variance to reduce the number of parking spaces on the site.
- **Maximum Floor Area:** The maximum FAR in the C1 district is 1.7. The lot in question is 23,169 square feet in area. The applicant proposes a total of 10,796 square feet of gross floor area, an FAR of .47.
- **Building Height:** Building height in the C1 district is limited to 2.5 stories or 35 feet, whichever is less. The applicant is proposing a two-story building or approximately 28 feet.

- **Minimum Lot Area:** The minimum lot area for automobile convenience facilities with gasoline fuel pumps and car washes is 12,000 square feet in the C1 district. The lot in question is 23,169 square feet in area.
- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** This development is located in the C1 district. The front yard setback requirement is 15 feet for the first 40 feet west of the east property line because of the proximity to the adjacent office residence district. The interior side yard and rear yard setback requirements for this development are $5+2x$, where x equals the number of stories above the first floor. The resulting setback along these two sides of the site is 7 feet. The corner side yard setback for this development is zero feet. The applicant has applied for variances to reduce the front, interior and rear yard setbacks.
- **Specific Development Standards:** Both automobile convenience facilities and car washes are subject to specific development standards:

Automobile convenience facility:

- The sale or repair of vehicles shall be prohibited.
- 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.
- Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.
- 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.
- Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Car wash:

- Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
 - Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
 - All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.
 - 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 Operation:** The hours of operation in the C1 district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the use is open from 6 am to 11 pm. In order to stay open until 11 pm Sunday through Thursday, the applicant would need to apply for a conditional use permit for extended hours of operation.

- **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 District one can have 1.5 square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot. If there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The maximum height of any sign is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have a freestanding sign located on the northwest corner of the property. An elevation of the freestanding sign was submitted but because it was not to scale the Planning Division could not verify any of the dimensions.
- **Refuse storage:** The applicant is proposing to have an enclosed refuse container located on the east side of the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

The site is located on University Avenue Southeast which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character (Policy 9.10).
- Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas (Policy 9.11).
- Orient new buildings to the street to foster safe and successful commercial nodes and corridors (Implementation Step for Policy 9.11).
- Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).

The Planning Division does not believe that the site layout is in conformance with the above policies of *The Minneapolis Plan*. The site has been developed with the building located away from the corner, a minimal amount of landscaping, no direct connection between the public sidewalk and the building and a lack of appropriate parking or stacking spaces.

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.**

PLANNING DEPARTMENT RESPONSE:

- In the current layout, alternative compliance would be needed for several aspects of the development. However, the Planning Division believes that the site could be arranged differently eliminating the need for alternative compliance.

RECOMMENDATIONS

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 **deny** the conditional use permit application to reconstruct an automobile convenience facility located at 2700 University Avenue Southeast.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion of a non-conforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the expansion of a non-conforming use to reconstruct an existing car wash associated with an automobile convenience facility located in the C1 zoning district.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the front yard setback from the required 15 feet to 0 feet for a portion of the first 40 feet west of the east property line to permit a drive aisle located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the east interior side yard setback from the required 7 feet to 4 feet to permit a stacking lane for the car wash located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application to reduce the rear yard setback from the required 7 feet to 0 feet to permit the building and the stacking lane for the car wash located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application of the stacking requirements for the car wash from the required 13 to 7 located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application of the stacking requirement for the gasoline pump islands from the required 6 to 2 located at 2700 University Avenue Southeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance application of the parking requirement from the required 20 spaces (16 for the automobile convenience facility and second floor offices and 5 for the car wash) to 15 spaces located at 2700 University Avenue Southeast.

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 **deny** the site plan review for the property located at 2700 University Avenue Southeast.

Attachments:

1. Updated letter describing the revised plans and applications.
2. Letter from ASI, Inc. regarding the car wash facility
3. Statement of proposed use
4. Conditional use permit, expansion of a non-conforming use and variance findings
5. June 2, 2006, e-mail to Council Member Gordon
4. June 2, 2006, letter to PPERRIA
5. Letters from surrounding property owners
6. Zoning Map
7. Site plan, floor plans and elevations
8. Landscaping plan and plant schedule
9. Photographs of the site and surrounding area