

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit and Site Plan Review
BZZ-4115

Date: August 4, 2008

Applicant: Steve Johnston with Robeli Enterprises, LLC

Address of Property: 4601 and 4615 Nicollet Avenue

Project Name: Steve's Tire and Auto

Contact Person and Phone: Jim Connelly with Appro Development, Inc., (952) 469-2171

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

Date Application Deemed Complete: July 7, 2008

End of 60-Day Decision Period: September 5, 2008

End of 120-Day Decision Period: Not applicable for this application

Ward: 11 **Neighborhood Organization:** Tangletown Neighborhood Association

Existing Zoning: C1, Neighborhood Commercial District and C2, Neighborhood Corridor Commercial District

Proposed Zoning: C2, Neighborhood Corridor Commercial District

Zoning Plate Number: 31

Legal Description (properties to be rezoned): 4615 Nicolet Avenue: the North 1.5 feet of Lot 10 and all of Lot 11, and that part of Lot 12, lying South of a line commencing at a point on the West line, 6.10 feet North of the Southwest corner; thence Easterly to a point on the East line 4.2 feet North of the Southeast corner, all in Block 4, FARNSWORTH ADDITION TO MINNEAPOLIS, Hennepin County, Minnesota, according to the recorded plat thereof.

Proposed Use: Automobile repair, minor

Concurrent Review:

Rezoning: of the property located at 4615 Nicollet Avenue from the C1 zoning district to the C2 zoning district

Conditional use permit: to allow for the construction of a minor automobile repair facility

Site plan review

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

Background: Steve Johnston, the applicant and the owner of the property, has operated an automobile convenience facility and a minor automobile repair facility at this site since 1983. However, the original automobile convenience facility on the site was constructed in 1970. The applicant is proposing to remove the gasoline pumps, demolish the existing buildings on the site and construct a new minor automobile repair facility.

The new site design orients the one-story building towards the corner of Nicollet Avenue and West 46th Street. The principal entrance to the building faces Nicollet Avenue and there are large expanses of glass on all sides of the building. The new building will accommodate six service bays for automobile repair services and an additional two service bays for oil changes. The automobile repair area of the building is accessed from one overhead garage door on the back of the building. All of the on-site parking spaces will be located to the south of the building and will be landscaped for screening purposes.

Two different parcels of land make up this zoning lot: 4601 Nicollet Avenue and 4615 Nicollet Avenue. The property located at 4601 Nicollet Avenue is zoned C2 which allows new automobile repair facilities to be built. The property located at 4615 Nicollet Avenue is zoned C1 and does not allow new automobile repair facilities to be built. Because of the split zoning the applicant has applied to rezone the property at 4615 Nicollet Avenue to C2. In addition, a conditional use permit and a site plan review application are required for this development to move forward.

REZONING - of the property located at 4615 Nicollet Avenue from the C1 zoning district to the C2 zoning district

Findings as Required by the Minneapolis Zoning Code:

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

The site is located on the southeast corner of Nicollet Avenue and West 46th Street. According to *The Minneapolis Plan*, Nicollet Avenue is a designated Community Corridor and the intersection of Nicollet Avenue and West 46th Street is a designated Neighborhood Commercial Node. The proposed land use features in the update to *The Minneapolis Plan* are the same. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- 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).
- Ensure that commercial uses do not negatively impact nearby residential uses (Implementation Step for Policy 4.2).

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- 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).
- Provide for a range of commercial districts that provide the services required by the residents and businesses (Implementation Step for Policy 4.4).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors (Implementation Step for Policy 4.5).

Rezoning the parcel of land located at 4615 Nicollet Avenue from the C1 District to the C2 District would be in conformance with the foregoing policies of the comprehensive plan. Although the rezoning is to permit an automobile repair facility three-fourths of the site is already zoned appropriately for such a use. It should also be mentioned that the site is located on West 46th Street which provides direct access to both the northbound and southbound lanes of Interstate 35W located two blocks to the west.

The *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan was adopted by the Minneapolis City Council in May of 2000. The four main strategies for the corridor identified in the plan are as follows:

1. Invest in well-defined commercial nodes and corridors to encourage increased compatibility of adjacent uses.
2. Redevelop under-utilized commercial uses to encourage increased compatibility of adjacent uses.
3. Encourage quality urban design and pedestrian-friendly environments.
4. Manage traffic flow and reduce traffic speed.

The four strategies are meant to promote “commercial vitality and preserve residential quality, thereby supporting both the commercial corridor and community corridor characteristics of Nicollet Avenue”. The Planning Division believes that the proposed project is in conformance with the above policies of the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan.

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

The amendment will allow the applicant to remove the gasoline pumps, demolish the existing buildings on the site and construct a new minor automobile repair facility. Although this rezoning is in the interest of the property owner the site has been used as an automobile convenience facility and an automobile repair facility for 38 years.

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

The property is bordered by C2 zoning to the north, R1A zoning to east, OR1 zoning to the south and C2 zoning to the west. At the intersection of Nicollet Avenue and West 46th Street, three of the four

corners are zoned C2 and the fourth corner is zoned C1. The C2 zoning designation on the southwest corner of the intersection extends an additional five zoning lots to the south than the subject property. Uses in the area include a shopping center, an automobile convenience facility, a few restaurants and residential dwellings of varying densities. Given the mixture of surrounding zoning classifications and uses in the area the Planning Division believes that the C2 zoning district would be compatible with the surrounding area.

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.

There are reasonable uses of the property permitted under the C1 zoning district. The C1 zoning district is a neighborhood corridor district. Permitted uses in the C1 district include, but are not limited to, the following:

- General retail sales and services
- Bank or financial institution
- Child care center
- Performing, visual or martial arts school
- Veterinary clinic
- Offices
- Coffee shop, with limited entertainment
- Restaurant, sit down
- Sport and health facility, minor
- Clinic, medical or dental
- Multiple-family dwellings, three and four units
- Place of assembly

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

There has not been a change in the character of development in the area. Historically, a mixture of commercial and residential uses have been located along Nicollet Avenue.

CONDITIONAL USE PERMIT - to allow for the construction of 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 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 east and south of the site, the property has been utilized as an automobile convenience facility since 1970. The applicant will be removing the gasoline pumps which in theory should reduce traffic congestion on site, as well as odors and noise.

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 automobile repair facility and reconstruct a new facility on the site would not 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. The new site design orients the one-story building towards the corner of Nicollet Avenue and West 46th Street. The principal entrance to the building faces Nicollet Avenue and there are large expanses of glass on all sides of the building. The new building will accommodate six service bays for automobile repair services and an additional two service bays for oil changes. The automobile repair area of the building is accessed from one overhead garage door on the back of the building. All of the on-site parking spaces will be located to the south of the building and will be landscaped for screening purposes.

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 curb cuts leading into and out of the site. Two are located along Nicollet Avenue and two are located along West 46th Street. The applicant is proposing to reduce the number of curb cuts leading into the site by one, leaving two along Nicollet Avenue and one along West 46th Street. One of the two curb cuts along Nicollet Avenue will be an exit-only from the service bays dedicated for oil changes. This curb cut will be signed for right-turns only.

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

The parking requirement for a minor automobile repair facility is one space per 300 square feet of gross floor area excluding service bays plus two spaces per service bay. The size of the automobile repair facility is approximately 1,540 square feet which requires five parking spaces. In addition there are a total of eight service bays which requires an additional 16 parking spaces. In total, the parking requirement is 21 spaces. As proposed, there are a total of 21 parking spaces on the site.

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

The site is located on the southeast corner of Nicollet Avenue and West 46th Street. According to *The Minneapolis Plan*, Nicollet Avenue is a designated Community Corridor and the intersection of Nicollet Avenue and West 46th Street is a designated Neighborhood Commercial Node. The proposed land use features in the update to *The Minneapolis Plan* are the same. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- 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).
- Ensure that commercial uses do not negatively impact nearby residential uses (Implementation Step for Policy 4.2).
- 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).
- Provide for a range of commercial districts that provide the services required by the residents and businesses (Implementation Step for Policy 4.4).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors (Implementation Step for Policy 4.5).

The Planning Division believes that the proposed project is in conformance with the above policies of *The Minneapolis Plan*. Although this application will allow for the construction of a minor automobile repair facility the site has been used as an automobile convenience facility and a minor automobile repair facility for the past 38 years. As part of the redevelopment of the site the applicant will be removing the gasoline pumps which in theory should reduce traffic congestion on site, as well as odors and noise. In addition, the new site design orients the one-story building towards the corner of Nicollet Avenue and West 46th Street, the principal entrance to the building faces Nicollet Avenue, there are large expanses of glass on all sides of the building and all of the on-site parking spaces will be located to the south of the building and will be landscaped for screening purposes.

The *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan was adopted by the Minneapolis City Council in May of 2000. The four main strategies for the corridor identified in the plan are as follows:

1. Invest in well-defined commercial nodes and corridors to encourage increased compatibility of adjacent uses.
2. Redevelop under-utilized commercial uses to encourage increased compatibility of adjacent uses.
3. Encourage quality urban design and pedestrian-friendly environments.
4. Manage traffic flow and reduce traffic speed.

The four strategies are meant to promote “commercial vitality and preserve residential quality, thereby supporting both the commercial corridor and community corridor characteristics of Nicollet Avenue”. The Planning Division believes that the proposed project is in conformance with the above policies of the *Nicollet Avenue: The Revitalization of Minneapolis’ Main Street* plan.

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 rezoning, the conditional use permit and the site plan review this development will meet the applicable regulations of the C2 zoning district.

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 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 placement of the building reinforces the street wall, maximizes natural surveillance and facilitates pedestrian access.
- The majority of the building walls along Nicollet Avenue and West 46th Street will be built up to the property lines. However, the portion of the building where the two service bays for oil changes are located is setback 30 feet from the property line along Nicollet Avenue. This portion of the building has been setback in order to allow enough room for a vehicle to pause before crossing the sidewalk and into the street when exiting. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow this portion of the building to be setback more than eight feet from the front property line.
- The principal entrance to the building is located along Nicollet Avenue and provides direct access to the customer lounge. There are three other doors that lead into the building. One door accesses the oil change service bays, another door accesses the automobile repair service bays and the other door provides a second access point to the customer lounge.
- All of the required parking for the development is located to the south side of the building.
- The exterior materials of the building include split face concrete block with integral color, smooth accent block and cultured stone.
- There are no areas of the building that contain blank, interrupted walls over 25 feet in length and void of any windows, entries, recesses or projections, or other architectural elements.
- At least 30 percent of the first floor and at least 10 percent of the upper floors of the building walls on Nicollet Avenue, West 46th Street and the south wall of the building facing the on-site parking lot are required to be windows. The project's compliance with these requirements is as follows:
 - Nicollet Avenue: the percentage of windows on the first floor of the building is 25 percent. There are additional windows located along this side of the building but they are located within the two overhead garage doors. Since windows located in doors do not count towards the minimum window requirement alternative compliance is needed. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 30 percent windows on the first floor of the building facing Nicollet Avenue. Along the Nicollet Avenue side of the building there is a mezzanine level inside the building. The percentage of windows on the second floor of the building is 11 percent.
 - West 46th Street: the percentage of windows on the first floor of the building is 43 percent. Along the West 46th Street side of the building there is a mezzanine level inside the building. Along this side of the building the mezzanine is only located for the first 20 feet of the building from the corner. There are no windows located on the second floor of the building. To maintain the architectural consistency along this side of the building no windows were added to the second floor of the building. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 10 percent windows on the second floor of the building facing West 46th Street.
 - South building wall facing the on-site parking lot: the percentage of windows on the first floor of the building is 26 percent. There are additional windows located along this side of the building but they are located within the overhead garage door. Since windows located in doors do not count towards the minimum window requirement alternative compliance is needed. The

Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 30 percent windows on the first floor of the building facing the on-site parking lot.

- The roof line of the building will be flat which is similar to the roof line of other commercial buildings 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:

- The principal entrance opens directly to the public sidewalk along Nicollet Avenue.
- The existing transit shelter and separate bus bench located at the corner of Nicollet Avenue and West 46th Street will remain in their current locations. Since the site is being redeveloped, the Planning Division encourages the applicant to consider coordination with Metro Transit on integrating a transit shelter into the structure.
- The number of curb cuts leading to and from the site is being reduced by one which will help minimize vehicular conflicts with pedestrians.
- The site is adjacent to the public alley on the block but there will be no access to it from this property.
- Twenty percent of the site not occupied by the building will be landscaped.

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 21,343 square feet. The footprint of the building is 7,460 square feet. When you subtract the footprint from the lot size the resulting number is 13,883 square feet. Twenty percent of this number is 2,777 square feet. The applicant has a total of 2,781 square feet, or 20 percent of the site is landscaped.
- The zoning code requires at least one tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is six and 28 respectively. The applicant is providing a total of eight canopy trees and 50 shrubs on the site. Please note that five of the eight canopy trees are existing.
- The zoning code requires that a 7-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. This requirement is being met.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The area in between the parking area and the property line will be landscaped. The proposed shrub rose hedge should provide screening equal to 60 percent opaque.
- The zoning code requires that a 7-foot wide landscaped yard be provided along parking and loading facilities where abutting or across an alley from a residence or office residence district. This requirement is being met.
- Screening six feet in height and equal to 95 percent opacity is required along parking and loading facilities where abutting or across an alley from a residence or office residence district. The applicant is proposing to plant a series of techny arborvitae along the alley. If left to grow this shrub will get to be six feet in height equal to 95 percent opaque. There is an existing chain link fence with slats located along the alley. The chain link fence can remain, however the slats are not a permitted fence material. The Planning Division is recommending that the slats be removed once the landscaping has been planted on the site.

- For each 25 linear feet along a public street, sidewalk or pathway, at least one tree needs to be provided. This requirement is being met.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. This requirement is being met. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. There are no tree islands in this parking lot.
- Rock mulch is proposed to be used in the landscaped beds. The Planning Division is recommending that wood mulch be used in all landscaped beds.

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:

- There will be six-inch by six-inch continuous curbing around the perimeter of the parking lot. The applicant has indicated that because of the grade of the site stormwater runoff will be directed towards the City's storm sewer system.
- This building should not block views of important elements in the city.
- This building should have minimal shadowing effects on the surrounding area.
- This building should have minimal wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the entrance is clearly visible from the public sidewalk, there are windows where people can see in and out along all sides of the building and there are lights located near all of the pedestrian entrances and along all building walls.
- The site and/or building are 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:** Minor automobile repair facilities are conditional uses in the C2 zoning district.

- **Off-Street Parking and Loading:**

Parking: The parking requirement for a minor automobile repair facility is one space per 300 square feet of gross floor area excluding service bays plus two spaces per service bay. The size of the automobile repair facility is approximately 1,540 square feet which requires five parking spaces. In addition there are a total of eight service bays which requires an additional 16 parking spaces. In total, the parking requirement is 21 spaces. As proposed, there are a total of 21 parking spaces on the site.

Loading: Trucks will load and unload from an area located along the east property line.

- **Maximum Floor Area:** The maximum FAR in the C2 zoning district is 1.7. The lot in question is 21,343 square feet in area. The applicant proposes a total of 10,384 square feet of gross floor area, an FAR of .49.
- **Building Height:** The height requirement in the C2 zoning district is four stories or 56 feet, whichever is less. The building is one story with a mezzanine level over the office portion of the building. The overall height of the building is 22 feet.
- **Minimum Lot Area:** There is no minimum lot area for a minor automobile repair facility in the C2 zoning district.
- **Yard Requirements:** Typically the C2 zoning district requires a zero foot front yard setback. However, because the properties to the south of the site along Nicollet Avenue are zoned office residence the required setback is equal to the lesser of the front yard required by the office residence district or the established setback of the structure for the first 40 feet north of the south property line. The front yard setback in the OR1 zoning district is 15 feet and the adjacent residential structure is located 26 feet from the front property line so the front yard setback is 15 feet. All of the required setbacks for the development are being met.
- **Specific Development Standards:** Automobile repair facilities are subject to specific development standards:

Automobile repair, minor:

- 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.
- Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- 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.
- The sale of vehicles shall be prohibited.

- 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.
 - 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.
 - 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.
- **Hours of Operation:** The hours of operation for the C2 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 will be closed on Sundays and open Monday through Friday 7 am to 8 pm and Saturday 8 am to 5 pm.
 - **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C2 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, 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 180 square feet in size. Projecting signs are limited to 16 square feet in size. The height limitation for both wall signs and projecting signs is 24 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 80 square feet and can be no taller than 25 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant is not proposing to have any freestanding signs on the site. The proposed wall signs do not exceed the maximum allowed signage for the building.

- **Refuse storage:** The refuse storage containers will be located in an enclosure located along the east property line. The enclosure will be made out of the same split face block material as the building.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

The site is located on the southeast corner of Nicollet Avenue and West 46th Street. According to *The Minneapolis Plan*, Nicollet Avenue is a designated Community Corridor and the intersection of Nicollet Avenue and West 46th Street is a designated Neighborhood Commercial Node. The proposed land use features in the update to *The Minneapolis Plan* are the same. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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).
- 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 a natural surveillance and an inviting pedestrian experience (Implementation Step for Policy 9.11).
- Protect residential areas from the negative impact of non-residential uses by providing appropriate transitions (Policy 9.15).
- Require screening and buffering for new developments next to residential areas (Implementation Step for Policy 9.15).
- Promote quality design and building orientation of commercial and industrial development that is appropriate with the surrounding neighborhoods (Implementation Step for Policy 9.15).
- Encourage new development to use human scale design features and incorporate sunlight, privacy, and view elements into building and site designs (Policy 9.17).

The Planning Division believes that the proposed project is in conformance with the above policies of *The Minneapolis Plan*.

The *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan was adopted by the Minneapolis City Council in May of 2000. The four main strategies for the corridor identified in the plan are as follows:

1. Invest in well-defined commercial nodes and corridors to encourage increased compatibility of adjacent uses.
2. Redevelop under-utilized commercial uses to encourage increased compatibility of adjacent uses.
3. Encourage quality urban design and pedestrian-friendly environments.
4. Manage traffic flow and reduce traffic speed.

The four strategies are meant to promote “commercial vitality and preserve residential quality, thereby supporting both the commercial corridor and community corridor characteristics of Nicollet Avenue”. The Planning Division believes that the proposed project is in conformance with the above policies of the *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* plan.

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:

- **The first floor of the building shall be located not more than eight feet from the front lot line. If located on corner lot, the building wall abutting each street shall be subject to this requirement:** The majority of the building walls along Nicollet Avenue and West 46th Street will be built up to the property lines. However, the portion of the building where the two service bays for oil changes are located is setback 30 feet from the property line along Nicollet Avenue. This portion of the building has been setback in order to allow enough room for a vehicle to pause before crossing the sidewalk and into the street when exiting. For safety precautions the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow this portion of the building to be setback 30 feet from the front property line along Nicollet Avenue.
- **Thirty percent of the walls on the first floor and ten 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:** The percentage of windows on the first floor of the building facing Nicollet Avenue is 25 percent. There are additional windows located along this side of the building but they are located within the two overhead garage doors. Since windows located in doors do not count towards the minimum window requirement alternative compliance is needed. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 30 percent windows on the first floor of the building facing Nicollet Avenue.
- **Thirty percent of the walls on the first floor and ten 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:** Along the West 46th Street side of the building there is a mezzanine level inside the building. Along this side of the building the mezzanine is only located for the first 20 feet of the building from the corner. There are no windows located on the second floor of the building. To maintain the architectural consistency along this side of the building no windows were added to the second floor of the building. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 10 percent windows on the second floor of the building facing West 46th Street.
- **Thirty percent of the walls on the first floor and ten 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:** The percentage of windows on the first floor of the south building wall facing the on-site parking lot is 26 percent. There are additional windows located along this side of the building but they are located within the overhead garage door. Since windows located in doors do not count towards the minimum window requirement alternative compliance is needed. The Planning Division is recommending that the City Planning Commission grant alternative compliance to allow less than 30 percent windows on the first floor of the building facing the on-site parking lot.

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 the City Council adopt the above findings and **approve** the rezoning of the property located at 4615 Nicollet Avenue from the C1 zoning district to the C2 zoning 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 for the construction of a minor-automobile repair facility located at 4601 and 4615 Nicollet Avenue 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. 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.
3. Except in the I3 District, all repairs shall be performed within a completely enclosed building.
4. 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.
5. The sale of vehicles shall be prohibited.
6. 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.
7. 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.
8. 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.
9. Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

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 for a minor-automobile repair facility located at 4601 and 4615 Nicollet Avenue subject to the following conditions:

1. Approval of the final site, elevation, landscaping and lighting plans by the Department of Community Planning and Economic Development – Planning Division.
2. All site improvements shall be completed by August 4, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
3. Wood mulch shall be used in all landscaped beds.
4. The slats in the chain fence shall be removed once the landscaping has been planted on the site.

Attachments:

1. Preliminary Development Review report
2. Statement of proposed use and description of the project
3. Comparison table for rezoning
4. Comprehensive plan maps
5. Conditional use permit findings
6. July 3, 2008, letter to Council Member Benson, the Tangletown Neighborhood Association and the Kingfield Neighborhood Association
7. Zoning Map
8. Architectural and civil plans
9. Photos of the property