

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit, Variance, Site Plan Review  
BZZ - 3418

**Date:** March 5, 2007

**Applicant:** Tedd Johnson

**Address of Property:** 2101 Como Ave SE

**Project Name:** Como Service Station

**Contact Person and Phone:** Bob Shaffer, 612-340-5430

**Planning Staff and Phone:** Tara Beard, (612) 673-2351

**Date Application Deemed Complete:** February 9, 2007

**End of 60-Day Decision Period:** April 8, 2007

**End of 120-Day Decision Period:** Not applicable

**Ward:** 1, adjacent to Ward 2      **Neighborhood Organization:** Southeast Como Improvement Association

**Existing Zoning:** C1 Neighborhood Commercial District

**Zoning Plate Number:** 16

**Lot area:** 5,600 square feet

**Proposed Use:** 1,514 sq. ft. addition to an existing minor auto repair

**Concurrent Review:**

- Amend the Conditional Use Permit for minor auto repair
- Variance to reduce 7 feet of the required 40 feet in the front yard from 15 to 0 feet to allow off-street parking and a bicycle rack.
- Site Plan Review

**Applicable zoning code provisions:** Chapter 525, Article VII, Conditional Use Permits, Article IX, Variances – Chapter 530 Site Plan Review

**Background:** Bob Shaffer of The Foundation Architects has applied for land use approvals on behalf of Tedd Johnson to add 1,514 sq. ft. of additional space to the existing minor auto repair at 2101 Como Ave SE. The existing building has been used for automobile repair since the effective date of the current zoning code (November, 1999), therefore is permitted in the C1 district with a conditional use

permit. The addition of building area requires amending the existing CUP. The proposed addition is to the north side of the building and would be used for indoor vehicle storage, other storage, and a new accessible restroom.

Because the auto repair use was established before a parking requirement existed (prior to 1963), the use has grandfather rights to any parking required by the existing use. However, the building addition requires 5 parking spaces. The applicant is proposing to provide two spaces inside the addition, two on site, and an on-site bike rack to fulfill the parking requirement. To allow for one of the exterior parking spaces to not encroach the drive aisle, the space will be partially in the front yard, requiring a setback variance. In addition to the amendment to the CUP and the setback variance, Site Plan Review is required.

Staff has not received any written correspondence from stakeholders at the printing of this report.

### **CONDITIONAL USE PERMIT -**

#### **Required Findings for amending the Conditional Use Permit to allow a building addition:**

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

The additional building space proposed by the applicant will not endanger the public health, safety, comfort or general welfare.

- 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 additional space is proposed to the rear of the existing building, and the building addition meets all required setbacks (one parking space does encroach the required front yard). The addition should not affect nearby enjoyment or development.

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

The proposed addition will not increase the number of service bays on site, but will allow for some indoor storage of vehicles. The proposed addition should not increase the site's need for utilities, roads, or other measures. A raingarden is proposed on the north end of the site to improve on site drainage, although Preliminary Development Review included comments from Public Works that some changes should be made to the raingarden to prevent flooding into the single family home to the north.

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

The small size of the site has made vehicle storage and vehicle maneuvering on the site difficult.

The proposed addition will allow two vehicles to be stored inside the structure and the improvements to and striping of the parking area should improve traffic congestion from spilling out into the public streets. The site has two existing curb cuts that will remain; the curb cut off the residential street (21<sup>st</sup> Ave. SE) will be exit only.

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

Como Ave SE is not a commercial or a community corridor. The area is primarily residential but Como Ave SE does have a significant amount of commercial zoning and uses. There is a neighborhood commercial node 6 blocks to west of the site. Specific policies of *The Minneapolis Plan* include:

*The Minneapolis Plan*, Chapter 9.15 states: “Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.” Implementation of this section includes providing “appropriate physical transition and separation using green space, setbacks or orientation between residential and nonresidential uses,” and to “require screening and buffering for new developments next to residential areas.” While the addition proposed occurs to the rear of the site, closest to the adjacent residential use to the north, the building will still be within the required setbacks and increased screening and landscaping will occur between the addition and the residents to improve the buffer between them.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

In addition to amending the Conditional Use Permit to allow an expansion of the minor auto repair, the proposal for Como Service Station requires a front yard variance and Site Plan Review. Preliminary Development Review (PDR) occurred on February 21, 2007; see attachments for PDR comments.

In addition to the land use applications and PDR, minor auto repair uses must comply with the following specific development standards:

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

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

**VARIANCE – Variance to reduce 7 feet of the required 40 feet in the front yard from 15 to 0 feet.**

**Findings Required by the Minneapolis Zoning Code for the Proposed 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.**

Although zoned commercially (C1), the use to the north of the subject site is a single family dwelling. Therefore, the first 40 feet of the 21<sup>st</sup> Ave SE frontage from the property to the north onto the subject site is subject to a front yard equal to that of the required front yard of the dwelling, or 15 feet. A van-accessible parking space is proposed on the subject site that encroaches into the 7 feet farthest from the dwelling of the 40 foot setback. For these 7 feet, the setback would be reduced from 15 to 0 feet. Meeting the setback requirement would eliminate this parking as it would be pushed into a drive aisle off an existing curb cut.

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

The applicant is not responsible for the dwelling unit to the north that creates the front yard requirement. While the need for the parking is created by the construction of the addition, the proposed parking will help improve the site design and function, and the addition itself will allow for interior storage of vehicles that is not possible in the existing space.

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

The spirit and intent of the ordinance is to buffer residential uses from surrounding commercial uses by preserving a front yard for the 40 feet closest to the residential use. Because the first 33 feet of this front yard will be provided, and a hedge is provided on the adjacent property between the subject site and the dwelling unit, staff believes that the spirit and intent of the ordinance will be preserved.

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

The variance will allow a parking space that will help improve traffic movement and parking on the site which should beneficially impact traffic and congestion on the public street. Approving the variance will not increase the danger of fire or public safety concerns on the site.

## **SITE PLAN REVIEW**

### **Findings as Required By the Minneapolis Zoning for Site Plan Review**

#### **Required Findings for Site Plan Review**

- a. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)
- b. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan 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 FAÇADE:**

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. 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.**
- f. **Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.**

**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.**

### **Conformance:**

- The existing building does not reinforce the street wall, and the addition is proposed to the rear of the site.
- The building is on a corner lot. No part of the existing building is within 8 feet of the property line, nor is the proposed addition, although the addition is only required to be within 15 feet of the 21<sup>st</sup> Ave SE property line because that is the required setback. Staff is recommending alternative compliance for this condition because 21<sup>st</sup> Ave SE is not the perceived front of the building and is more residential in nature, thus supporting larger setbacks.
- There is parking between the building and the property line. This is an existing condition, though the proposal includes redesigning and striping the existing pavement.
- The principal entrance is diagonal to the property lines and most closely faces Como Ave SE. There are no changes proposed to the principal entrance. A new entrance is proposed from the addition facing 21<sup>st</sup> Ave SE.
- Bituminous surface is located on the site in front of the building. This is an existing condition and has been used for the parking of vehicles although no legal conforming parking spaces have been provided.
- Blank, uninterrupted walls exceed 25 feet on the east elevation of the proposed addition. Staff recommends requiring that the applicant use windows, materials, or architectural detail to be in compliance with the blank wall requirement.
- Exterior materials proposed for the addition include glass block, metal and plain and rock-faced concrete block. Plain-faced concrete block is not permitted on the west and north elevations

because they face a public street and residence, respectively. Staff recommends requiring that the applicant replace plain-faced concrete block on these elevations with an acceptable substitute as a condition of approval.

- Windows are required on 30% of one side of the building addition because it faces a public street. The applicant is not proposing any windows on the west elevation that fulfill this requirement, but is proposing glass block for 44% of this elevation. Staff is recommending alternative compliance for this condition because the glass block will allow light to move through the building but will not allow views into a storage area that will not have human activities in it for the most part.
- The glass block proposed are vertical in nature and are distributed in a more or less even manner.
- The roof is flat which is consistent with the existing building, and other commercial buildings in the area. A sloped metal overhang is proposed that mimics the slope of the existing building's mansard-style roof overhang.

#### **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.**

#### **Conformance:**

- The building entrance is accessed from the parking area. The new entrance proposed from the addition on the west elevation leads to the striped area for van accessible parking. Staff recommends requiring that the applicant provide a clear and well-lighted walkway from the new entrance to the street just north of the accessible parking space and bike rack as a condition of approval.
- There are no transit shelters on or adjacent to the site.
- The applicant is proposing no changes to the two existing curb cuts on the site. Circulation on the site is one-way. Traffic leaving the site can turn right into a residential area but this does not likely occur often as 21<sup>st</sup> Ave is crossed by a frequent rail line just north of the site.
- There is no alley access on the site.
- All areas not needed for buildings, access, or trash and recycling, 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.

**Conformance:**

- The lot area (5,600 sq. ft.) less the building footprint (2,684 sq. ft.) yields a net site of 2,916 sq. ft. The Code requires a minimum of 584 sq. ft. of landscaping, 2 trees and 6 shrubs. The total landscaping proposed by the applicant is 982 sq. ft. This equals 34% of the net site. The proposed project includes 2 trees and 2 shrubs on site. Staff recommends requiring the applicant to provide additional shrubs on the site as a condition of approval.

- Bituminous surface on the site is paved over the property line along both Como Ave SE and 21<sup>st</sup> Ave SE, which is an existing condition. Public Works has required via Preliminary Development Review that bituminous paving in the right of way must be removed. The applicant is proposing landscaping and screening in the 4 feet of right of way between the property line and the sidewalk. Staff is recommending alternative compliance for this condition because parking would not be possible on the site without putting it right up to the property line. Staff recommends requiring both a screening hedge and ornamental fence between the two surface parking spaces and the public sidewalk via an encroachment permit with Public Works Right of Way.
- All areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

#### **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.**

#### **Conformance:**

- A new concrete curb is proposed at the new accessible parking space proposed on the site. Curbing is neither existing nor proposed adjacent to the parking space in the southwest corner of the site. Staff recommends requiring a wheel stop at the southwest parking space to protect landscaping in the right of way and pedestrians in the sidewalk as a condition of approval.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site.

**Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council**

**Zoning Code:** The proposed use is permitted with a Conditional Use Permit in the C1 District if it was established before 1999, which it was.

**Off-Street Parking and Loading:** Because the auto repair use was established before a parking requirement existed (prior to 1963), the use has grandfather rights to any parking required by the existing use. However, the building addition requires 5 parking spaces, or 1 per 300 sq. ft. of building addition not also used for parking. The applicant is proposing to provide two spaces inside the addition, two on site, and an on-site bike rack to fulfill the parking requirement.

**Maximum Floor Area:** All commercial uses shall be limited to a maximum gross floor area of 4,000 square feet per use. The total GFA of the site with the addition is 2,684 sq. ft. The permitted Floor Area Ratio (FAR) in the C1 District is 1.7. The building and proposed addition would have an FAR of 0.48.

**Building Height:** Building height is limited to 2.5 stories or 35 feet, whichever is less, in the C1 District. The existing structure is one story and 13 feet high; the proposed addition is a few inches higher, but still one story and less than 14 feet.

**Minimum Lot Area:** This use has no minimum lot area in the commercial districts.

**Dwelling Units per Acre:** Not Applicable.

**Yard Requirements:** The C1 District does not require any setbacks except for the first 40 feet of the front yard adjacent to the residential use to the north. The applicant is encroaching on this setback for 7 feet by located a portion of a parking space in the front yard. See variance findings above for further discussion of this requirement.

**Specific Development Standards:** Minor auto repair uses have the following specific development standards:

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

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

**Hours of Operation:** Existing and proposed hours of operation are from 9am to 6pm Monday through Saturday. These hours are compliant with section 548.240 (4) of the zoning code.

**Signs:** No new signs are proposed at this time. Any new signs will require a sign permit and review for compliance with Chapter 543 of the zoning code.

**Refuse storage:** All storage of refuse and recyclable materials will be located inside the building and will be accessed by an existing service bay garage door.

**Minneapolis Plan:** See finding #5 in the Conditional Use Permit section.

**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.

**Conformance:** Staff is recommending alternative compliance for the following conditions:

- No part of the existing building is within 8 feet of the property line, nor is the proposed addition, although the addition is only required to be within 15 feet of the 21<sup>st</sup> Ave SE property line because that is the required setback. Staff is recommending alternative compliance for this condition because 21<sup>st</sup> Ave SE is not the perceived front of the building and is more residential in nature, thus supporting larger setbacks.
- Staff is recommending alternative compliance for lack of fenestration on the addition facing 21<sup>st</sup> Ave SE because the glass block will allow light to move through the building but will not allow views into a storage area that will not have human activities in it for the most part. Providing vertical landscaping along the north elevation of the addition will improve site safety by preventing graffiti and staff proposes requiring this as an alternative.
- Staff is recommending alternative compliance for a lack of landscaping and screening between the surface parking area and the property line because parking would not be possible on the site without putting it right up to the property line. Staff recommends requiring both a screening

hedge and ornamental fence between the parking area and the public sidewalk via an encroachment permit with Public Works Right of Way as an acceptable alternative.

### **RECOMMENDATIONS:**

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for amending the Conditional Use Permit for minor auto repair:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for an amendment to the conditional use permit to allow an addition to the existing minor auto repair use at 2101 Como Ave SE, subject to the following condition:

1. All Specific Development Standards found in section 536.20 of the zoning code will be met.

#### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the front yard setback from 23 to 0 feet:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce 7 feet of the required 40 feet in the front yard from 23 to 0 feet at 2101 Como Ave SE.

#### **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 application for a Site Plan Review at 2101 Como Ave SE subject to the following conditions:

1. The applicant will use windows, materials, or architectural detail on the east elevation of the proposed addition to be in compliance with section 530.120 of the zoning code.
2. Plain-faced concrete block will be replaced on the north and west elevations of the proposed addition with an acceptable substitute as required by section 530.120 of the zoning code.
3. As alternative compliance for no fenestration on the addition facing 21<sup>st</sup> Ave SE, the applicant will provide vertical landscaping along the north elevation of the addition to improve site safety by preventing graffiti.
4. As alternative compliance for not providing landscaping and screening between the surface parking proposed along both 21<sup>st</sup> Ave SE and Como Ave SE, both a screening hedge and ornamental fence between the parking area and the public sidewalk via an encroachment permit with Public Works Right of Way is required.
5. A clear well-lighted walkway between the new building entrance and 21<sup>st</sup> Ave SE will be provided to the north of the new accessible parking space and bike rack.
6. The applicant will provide a minimum of 6 shrubs on the site as required by section 530.160 of the zoning code.

7. A wheel stop at the southwest parking space will be provided to protect landscaping in the right of way and pedestrians in the sidewalk as required by section 530.230 of the zoning code.
8. If the hedge on the residential property to the north is ever removed, the applicant will provide a fence or similar screening on the subject site to mitigate potential headlight glare from the accessible parking space to the residential property to the north.
9. CPED Planning staff review and approval of the final site and landscaping plans.
10. All site improvements shall be completed by March 5, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

**Attachments:**

1. Statement of use
2. Findings
3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos