

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Alteration of Non-conforming Use, Site Plan Review
BZZ-4998

Date: December 13, 2010

Applicant: Jameel Ahmed

Address of Property: 3650 Central Avenue NE

Project Name: Auto Giants

Contact Person and Phone: John Harriss, Harriss Architects (612) 339-2190

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: October 18, 2010

End of 60 Day Decision Period: December 17, 2010

End of 120 Day Decision Period: On November 18, 2010 staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to February 15, 2011.

Ward: 1 **Neighborhood Organization:** Columbia Park

Existing Zoning: C2 Neighborhood Corridor Commercial district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 6

Legal Description: Not applicable for this application.

Proposed Use: Used automobile sales and minor auto repair.

Concurrent Review:

Conditional use permit: for minor auto repair.

Expansion or alteration of non-conforming use: to allow a reconfiguration of the site and a new building for an existing used automobile sales use.

Site plan review: for the construction of a new 3,920 square foot building and site improvements.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 531, Nonconforming Uses and Structures and Chapter 530, Site Plan Review.

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Background: Jameel Ahmed of Auto Giants is proposing to construct a new 3,920 square foot building at 3650 Central Avenue NE for a used automobile sales use with minor automobile repair. The project also includes a number of site improvements, including increased landscaping, modifications to the vehicle storage and parking area and modifications to the access. The building that was previously located on the site was destroyed by fire in April of 2010. The site is bordered by residential uses to the west, a retail use to the east across Central Avenue and commercial uses to the south. The parcel to the north, in the city of Columbia Heights, is currently vacant.

At the time of the fire in April of 2010 the site was occupied by an automobile sales use with a minor auto repair component. The applicant has continued to conduct used automobile sales on the property without a building since the fire. Automobile sales is a permitted use in the C2 district, but is limited to the sale of new and vintage passenger automobiles only. Used automobile sales is a non-conforming use. The site was zoned B3C-1 until 1999 and motor vehicle sales, including used vehicles, was a permitted use in that district. City records show that an automobile sales use has been located on the site since at least 1988. Therefore, it is a legal non-conforming use. The applicant is altering the site by moving the location of the building and altering the overall layout. Thus, an application for an expansion or alteration of a non-conforming use is required.

Minor automobile repair is a permitted conditional use in the C2 Neighborhood Corridor Commercial district. A conditional use permit is required and one has been applied for accordingly. The new building and associated site improvements also require an application for site plan review.

Staff received a letter from the Columbia Park Neighborhood Association dated November 21, 2010. In the letter, the neighborhood cites concerns with the building design and building materials. However, the version of the building that was reviewed by the neighborhood has been substantially modified. Said letter has been included as an attachment to this report.

CONDITIONAL USE PERMIT (to allow a minor automobile repair use in the C2 District)

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings below 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.

A minor automobile repair use in this location is not expected to be detrimental to the public health, safety or general welfare, provided the use complies with all licensing requirements, life safety ordinances and Public Works Department standards. The building was originally constructed as a public garage in 1920 and has contained a minor auto repair function periodically since that time. The conditional use permit applied for at this time will legalize the use. The site will also have a used automobile sales use. The auto repair essentially serves as an accessory use to the automobile sales. Activities related to the use include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, engine repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners,

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audio installation, detailing and the like. No painting or body work will be conducted on the premises. All activities related to the minor automobile repair will be conducted within the building, mitigating the impact of any noise, dust or fumes that may be generated by the use.

- 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.**

Allowing this minor auto repair function to continue operating on the site will not impede the normal or orderly development of the surrounding area. As stated above, a public garage was originally constructed on the site in 1920 and minor auto repair has been performed on the site periodically since that time. The applicant is proposing to improve the site functionally and aesthetically as part of this project by moving the building to the corner, providing required landscaping and consolidating curb cuts.

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

Roads and utilities are existing and adequate. Utilities, access and drainage were evaluated as part of the Preliminary Development Review process. As referenced in the PDR report (attached), Public Works-Traffic Division has requested that the alley access be closed. That will allow the site to retain access onto Central Avenue while eliminating conflicts between commercial and residential traffic.

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

The applicant is providing adequate off-street parking and consolidating the number of curb cuts to better direct vehicle movements. The site currently has two curb cuts on Central Avenue and one on 37th Avenue, as well as alley access. The access on 37th Avenue will be closed and the access points on Central Avenue will be consolidated into one curb cut in the center of the lot. These modifications will help to minimize traffic congestion in the adjacent public streets. As noted above, Public Works has requested that the alley access be closed and Planning staff is supportive of that request per the policies of the Site Plan Review chapter. Closing this access will alleviate any conflicts between commercial and residential traffic that may occur directly adjacent to the use.

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

The site is designated for mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth* and Central Avenue is a community corridor in this location. The site is also within the boundaries of a neighborhood commercial node. Community corridors are primarily residential with intermittent commercial uses clustered at intersections in nodes. Commercial uses are generally small-scale retail sales and services, serving the immediate area. Similarly, neighborhood commercial nodes generally provide retail or service uses on at least three corners of an intersection that serve the surrounding neighborhood, with a limited number of businesses serving a larger area. The following Comprehensive Plan policies apply to this site:

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Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.
- 1.1.6 Develop small area plans for designated land use features, particularly Activity Centers, Growth Centers, and Major Retail Centers, in consultation with neighborhood associations, residents, and other stakeholders.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- 1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- 1.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node's main intersection.
- 1.11.2 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.
- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.
- 1.11.4 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.

This auto-oriented use has previously been operating on the site and the prior building was destroyed by fire. The proposal at this time includes a new building, landscaping, and reconfiguration of the site. The applicant is proposing a site design that includes a two-story building at the corner with increased landscaping and other site improvements, consistent with the above policies of the Comprehensive Plan.

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The site is also located within the boundaries of the Central Avenue Small Area Plan. Specifically, the site is identified as part of the “north segment” of Central Avenue. The specific block that the subject site is located on is referenced in the plan, as follows:

The northern-most block of this segment is an extension of the Columbia Heights commercial area. Properties are primarily auto-oriented businesses in a suburban format. As the region grows, this block should evolve into a pedestrian-friendly area with convenience retail. Pedestrian-friendly designs include wide, well maintained sidewalks, few curb cuts, buildings with human scaled features and frequent doors and windows, parking on the rear or side of buildings (not in front), and uses and activities that people prefer to walk to.

The existing use on the site is an auto-oriented business and is not proposed to change at this time. However, the applicant is proposing to reconfigure the site by constructing the new building at the corner with an entrance that opens onto the public sidewalk adjacent to Central Avenue. The applicant is reducing the number of curb cuts on Central Avenue from two to one, with the sole curb cut proposed in the center of the site. These site improvements are consistent with the above recommendations of the plan and will create a more pedestrian-friendly design for this auto-oriented use.

The plan makes a number of recommendations for strengthening the corridor image and identity of Central Avenue. One of those recommendations calls for “gateway buildings,” or buildings at major intersections along Central Avenue that can be designed to create identifiable places. The intersection of 37th Avenue NE and Central Avenue NE is the gateway into Minneapolis as one travels south from Columbia Heights. The small area plan calls for high quality buildings with strong architectural form that anchor and create entrances at gateway locations. Staff has recommended approval of the building with conditions that will improve the aesthetic quality of the building and result in a structure that is more consistent with the plan recommendation for this highly visible corner. The plan also calls for trees, fences, gardens and similar elements along Central Avenue to contribute to a friendlier public realm. The applicant is proposing dense landscaping and a decorative wrought-iron fence along Central Avenue, consistent with this plan recommendation.

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

The applicant is meeting all requirements of the C2 district. With few exceptions, the proposed building and site design will also conform to the applicable regulations of the Site Plan Review chapter. An additional application is also being processed at this time to allow alterations to the legally non-conforming used automobile sales use.

EXPANSION OF A LEGAL NONCONFORMING USE: To allow the construction of a new building and site modifications for an existing used automobile sales use.

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The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

1. A rezoning of the property would be inappropriate.

An automobile sales use is a permitted conditional use in the C2 district. However, automobile sales is limited to new and vintage passenger automobiles only, except that leased automobiles and used automobiles received in trade may be sold as an accessory use. The subject use is a used automobile sales lot and thus non-conforming. The sale of used automobiles is only permitted in the C4, General Commercial district and the I3, General Industrial district. Rezoning the site to either of these districts would be an intense upzoning of the property and would not be consistent with the character of the surrounding area. There are residential uses directly west of the site, across the alley. The intense commercial and industrial uses allowed in the C4 and I3 districts would not be appropriate adjacent to residential uses.

Rezoning to C4 or I3 district would not be consistent with the *Minneapolis Plan for Sustainable Growth* or the *Central Avenue Small Area Plan*. The site is designated for mixed use on the future land use map in the Comprehensive Plan and Central Avenue is a community corridor in this location. The site is also within the boundaries of a neighborhood commercial node. Community corridors are primarily residential with intermittent commercial uses clustered at intersections in nodes. Commercial uses are generally small-scale retail sales and services, serving the immediate area. Similarly, neighborhood commercial nodes generally provide retail or service uses on at least three corners of an intersection that serve the surrounding neighborhood, with a limited number of businesses serving a larger area. The I3 General Industrial district is intended to provide locations for high impact and outdoor general industrial uses and other uses that are likely to have a substantial adverse effect on the environment or on surrounding properties. The C4 General Commercial district is established to provide for a wide range of commercial development allowing a mix of retail, business services and limited industrial uses. Neither of these districts is compatible with the above land use features per the Comprehensive Plan.

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

The applicant is proposing to construct a new building for a used automobile sales use that was destroyed by fire. The previous building was located in the center of the site with no delineated parking stalls or vehicle display area. At this time, the applicant is reducing the non-conformity of the building in terms of location by moving it to the corner of 37th Avenue NE and Central Avenue. The placement of the building is consistent with City policies and other buildings along the Central Avenue corridor.

The applicant is also proposing to reconfigure the remainder of the site by providing a landscaped buffer between the use and the properties to the west, across the alley. A landscaped yard will also be provided along the entire east property line, between the building and vehicle display area and Central Avenue. The parking stalls will be properly striped and the number of curb cuts into the site will be reduced. All of these alterations reduce the non-conformity of the site and make it more compatible with adjacent properties and the neighborhood. The building design is further evaluated below, per the standards of the Site Plan Review chapter.

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- 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 modifications to the site should reduce parking congestion, improve circulation and reduce any off-site impacts. Currently parking is not delineated and vehicles park haphazardly throughout the site. The applicant is providing adequate parking as part of the project with delineated parking stalls and a 7-foot landscaped yard to buffer the parking and sales area from the residential uses across the alley. The site currently has three curb cuts and no curb between the site and the alley. The curb cuts will be consolidated as part of this project and the applicant is proposing to continue using the alley for access. Through the Preliminary Development Review process, Public Works- Traffic Division has asked that the alley access be closed. This modification, in addition to the consolidated curb cuts, will improve traffic circulation and reduce any adverse impact on neighboring residential uses. Any noise, dust or odor that results from the use will be minimal as all auto repair activities will take place entirely within the building.

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

Reconfiguring the site to move the building to the corner, increase the amount of landscaping, delineate parking and consolidate curb cuts will improve the appearance of the site and therefore the appearance of the neighborhood. The design of the building and site is thoroughly analyzed below per the standards of the Site Plan Review chapter.

- 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.**

Residential uses are allowed in the C2 District. However, no residential uses were previously located on the site and none are proposed at this time.

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

The property is not located in the Floodway District.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the site plan review:

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- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**

- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.
- The area between the building and the lot line shall include amenities.
- The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.
- Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.
- For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.
- In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.
- Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.
- Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.
- The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.
- The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.
- Entrances, windows, and active functions:
 - Residential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - Nonresidential uses:

Principal entrances shall be clearly defined and emphasized through the use of architectural features such as roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Thirty (30) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be

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more than four (4) feet above the adjacent grade.

- d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
- e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
- f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The applicant is proposing to construct a 3,920 square foot building on the north side of the site, at the corner of 37th Avenue NE and Central Avenue. The building will be two stories for the first 28 feet, as measured from the east lot line, and then steps down to a single story. The placement of the building will allow for natural surveillance and visibility. The building will have a 5-foot setback along 37th Avenue NE and a 6'2" setback along Central Avenue. Landscaping is proposed between the building and the street on both street frontages. The parking area is located on the south side of the building with no parking proposed between the building and the street.

The front entrance of the building opens to Central Avenue. The entrance is defined with glass and flanked by decorative sconce lighting. Two secondary entrances are proposed on the south side of the building, opening to the on-site parking area. One of these entrances will provide access to the office space and one will provide access to the minor auto repair service bays.

The applicant is proposing a prefabricated building with a painted stucco exterior. A brick veneer is proposed along the foundation up to a height of 4 feet. Horizontal bands of darker stucco wrap around the building to provide visual interest. Four overhead doors are located on the south side of the building to provide access into the minor auto repair service bays. A balcony is proposed to wrap around the southeast corner of the building. Said balcony is accessible via a door on the second floor of the east elevation. All materials proposed are durable materials. With the exception of the west elevation, the building does not contain any blank, uninterrupted walls that exceed 25 feet. However, the west

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elevation does not contain any windows, architectural elements, recesses or projections for the length of the 30 foot wall. This wall faces residential uses across the alley. Staff recommends that the applicant provide a window or other architectural element to break up this blank wall into smaller sections.

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street, public pathway or on-site parking lot and 10 percent on the upper floors. The first floor of the north elevation, facing 37th Avenue NE, contains windows for 18 percent of the façade. In order to meet the minimum requirement, an additional 95 square feet of glazing is required on this elevation. The bottoms of the windows proposed in the auto repair shop area are at a height of approximately 7.5 feet. Alternative compliance is requested for the percentage of glazing and to allow the bottoms of the windows to start at a height greater than 4 feet. Due to the nature of the use, it may not be practical to require additional windows in the area to be occupied by the minor auto repair use. To respect the intent of the ordinance, staff recommends that additional glazing be provided in the office area. This may require slight modifications to the floor plan so as to not place windows in the bathroom space. A minimum of 20 square feet of additional glazing shall be provided on the first floor of this elevation, which would bring the total amount of glazing to 20 percent. Staff recommends granting alternative compliance for the height of the windows due to the nature of the use. Approximately 20 percent of the second floor contains windows, exceeding the minimum requirement of 10 percent. The additional windows on this second floor may serve as an alternative for remaining 75 square feet of glazing that is required for the first floor.

The east elevation, facing Central Avenue, contains windows for 30.1 percent of the first floor façade and 26.2 percent of the second floor. The south elevation, facing the on-site parking lot, has glazing for only 6.1 percent of the first floor. The majority of this elevation is comprised of service bays for the automobile repair use. Therefore, it may be impractical to require 30 percent window coverage on this elevation. However, the applicant shall be required to provide a minimum of one additional window in the office space that matches the two windows proposed in this location. Said window would be located on the exterior wall of the stairwell. The second floor will have windows for 12 percent of the wall area.

Existing first floor or ground floor windows shall be required to have clear or lightly tinted glass and 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.

Active functions are provided for more than 70 percent of the first floor facing 37th Avenue NE and Central Avenue NE.

The two-story portion of the structure has a flat roof similar to other structures in the area. The single story portion of the building has a pitched, metal roof. The majority of the non-residential buildings fronting on Central Avenue have flat roofs. The portion of the proposed building that will be visible from Central Avenue will have a flat roof. The pitched roof on the rear of the building will primarily be visible from 37th Avenue NE.

No parking garages are proposed for the site.

ACCESS AND CIRCULATION:

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- 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 with above requirements:

The front building entrance is connected to the public sidewalk adjacent to Central Avenue with a 6-foot walkway. The south-facing entrance is connected to the public sidewalk with a walkway that is approximately 4.5 feet in width. A public sidewalk that is 5 feet in width runs along Central Avenue, on the east side of the site, and a public sidewalk runs along 37th Avenue NE.

There are no transit shelters adjacent to the site.

Access into the site is proposed via a right-in, right-out curb cut off Central Avenue and a curb cut from the alley. The site currently has two curb cuts on Central Avenue and one on 37th Avenue, all of which will be eliminated. The use currently utilizes the alley for access and the applicant proposes to continue doing so as part of this application. However, as part of the PDR process, Public Works-Traffic Division has asked that the alley access be closed.

The Site Plan Review chapter prohibits alley access for any automobile service use, including minor auto repair and auto sales, where the alley also serves residential uses. There are exceptions to this provision which would allow alley access under certain circumstances. Factors to be considered when evaluating an exception to allow alley access include the number of residential uses that utilize the alley, other commercial uses on the block that use the alley, the location of the site on the block and its proximity to the end of the block, other access to/from the site, the nature of the use and the amount of traffic generated by the use, the hours of operation, alley design and safety impacts. The subject site is at the end of the block. However, due to the size of the site, it borders four residential lots which also use the alley for access. Complaints have been received from neighbors citing concerns with loading in the alley, frequent vehicle trips to and from the site, parking in the alley and blocking neighboring driveways. Eliminating the alley access will alleviate any adverse impact the use may have on neighboring residential properties and other access into the site is possible. The site would retain a right-in, right-out access onto Central Avenue.

The proposal includes four service bays on the south side of the building with overhead doors facing the parking lot and vehicle display area. A 22-foot drive aisle separates the parking spaces behind the service bays from the surface parking lot and sales area. With the elimination of the alley access, the site will be designed to minimize conflicts with pedestrian traffic and adjacent uses.

The site plan has been designed to reduce the amount of impervious surface from the existing. Overall, 21.1 percent of the site is pervious. The amount of impervious surface will be greatly reduced over the existing site conditions, which contains almost no greenspace. All areas not occupied by buildings, parking areas, drive aisles, loading areas and the like will be landscaped.

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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 with above requirements:

The lot area is 16,404 square feet and the footprint of the building is approximately 2,880 square feet. Therefore, the net lot area is 13,524 square feet, of which 20 percent (2,705 square feet) is required to be landscaped. The site requires 5 canopy trees and 27 shrubs to satisfy the minimum planting requirement.

The applicant is proposing a landscaped area of 2,850 square feet, or 21.1 percent of the total site area not occupied by buildings. The landscaping includes six on-site canopy trees, specifically three Autumn Blaze Maples and three Seedless Green Ash trees. Four of the trees are proposed on the west side of the site, between the parking area and the alley, and two are proposed on east side of the site adjacent to Central Avenue. The landscape plan also includes 54 shrubs and several clumps of ornamental grass. The shrubs are proposed along the north and east property lines. All parking stalls are within 50 feet from the center of an on-site deciduous tree.

A 7-foot landscaped yard is required along the east side of the site, between the vehicle display area and Central Avenue. Similarly, a 7-foot landscaped yard is required along the west property line due to residential uses across the alley. The required landscaped yard is provided in both locations. A 3-foot

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wrought iron fence is also shown around the perimeter of the site adjacent to the parking area and vehicle display area. All other areas not occupied by buildings, parking and loading facilities or driveways are landscaped with turf grass.

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 with above requirements:

A small raingarden is proposed on the north side of the building for on-site retention. Stormwater that is not captured by this raingarden will flow into city facilities. The majority of the site has continuous curbing. In the PDR Report, Public Works- Sewer Division makes additional comments relating to stormwater. Said report has been attached for reference. With the recommendation that the alley be closed, modifications may also be required to the drainage plan. Currently a portion of the stormwater from the site is shown draining into the alley. Accommodations will need to be made for this stormwater to drain elsewhere.

The proposed building is a maximum of two stories in height and will not significantly shadow public spaces or adjacent properties. The building is not expected to significantly generate wind currents at ground level or block views of important elements of the City.

Landscaping, sidewalks and building features are designed to direct pedestrian movements. The site has been designed to promote natural surveillance and visibility and those elements will be further improved with the incorporation of additional windows, as required above.

The previous building that was destroyed by fire was not historic and the property does not lie within an 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: Minor auto repair is a permitted conditional use in the C2, Neighborhood Corridor Commercial, district. Used automobile sales is not a permitted use in this district. However, as evaluated above, this is a legal, non-conforming use and the applicant has applied for an expansion or

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alteration of a non-conforming use accordingly.

Off-Street Parking and Loading:

Minimum automobile parking requirement:

The applicant is proposing a used automobile sales lot with a minor automobile repair function. The vehicle storage and display area for the used automobile sales is 3,200 square feet. There are four service bays within the building. For purposes of the parking requirement, the service bays are counted toward the minor automobile repair requirement. The parking requirement for the uses is as follows:

Use	Requirement	Size	Spaces Required
Automobile sales	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft. (min. of 4 spaces) + 1 space per 2,000 sq. ft. of outdoor sales area + 2 spaces per service bay, if any	2,100 sq. ft. building 3,200 sq. ft. sales area	4 spaces 2 spaces
Minor automobile repair	1 space per 500 sq. ft. of GFA excluding service bays + 2 spaces per service bay	1,159 sq. ft. (excluding bays) 4 service bays	2 spaces 8 spaces
Total			16 spaces

The use requires 16 parking spaces and 17 are provided. One space for each service bay is provided within the building and the remaining parking spaces are proposed on the south side of the structure.

Maximum vehicle parking requirement:

The maximum vehicle parking requirement for the proposed uses is as follows:

Use	Requirement	Size	Maximum allowed
Automobile sales	1 space per 300 sq. ft. of GFA + 1 space per 1,000 sq. ft. of outdoor sales area + 2 spaces per service bay, if any	2,100 sq. ft. building 3,200 sq. ft. sales area	7 spaces 3 spaces
Minor automobile repair	1 space per 200 sq. ft. of GFA+ 2 spaces per service bay	1,159 sq. ft. (excluding bays) 4 service bays	6 spaces 8 spaces
Total			24 spaces

The maximum parking requirement allows up to 24 spaces for the proposed uses. With the 17 spaces proposed, the site is within the parameters allowed.

Minimum bicycle parking requirement:

Neither of the uses proposed is subject to a minimum bicycle parking requirement and none is provided.

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Loading

Each of the uses has a medium loading requirement, requiring one small loading space with minimum dimensions of 10'x 25'. Loading will occur on the east side of the vehicle display area. However, that may change with the requirement to close the alley access in order for trucks to make the turning movements.

Maximum Floor Area: The maximum FAR allowed in the C2 District is 1.7. The applicant is proposing a 3,920 square foot building on a 16,404 square foot lot for a floor area ratio of .24.

Building Height: The C2 limits building height to 4 stories or 56 feet, whichever is less. The applicant is proposing a building that is 25 feet tall at its highest point.

Minimum Lot Area: Automobile sales has a minimum lot area requirement of 12,000 square feet in the C2 District. However, the use category does not permit the sale of used automobiles and the existing use is non-conforming.

Dwelling Units per Acre: There are no dwelling units proposed as part of the project.

Yard Requirements: The C2 District does not have any minimum yard requirements for the proposed uses. There is a residential use to the west of the subject site. Therefore, a front yard equal to the lesser of the front yard required by such residence or office residence district or the established front yard of such residential structure is required. The established front yard setback of the residential structure is approximately 1 foot. The applicant is proposing a 5-foot front yard setback, exceeding the minimum setback required.

Specific Development Standards: Both uses are subject to specific development standards. The standards for the minor automobile repair use are as follows:

- (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.

The specific development standards for the automobile sales use are as follows:

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- (1) Fuel pumps for the purpose of the retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes dispensing of fuel for the automobiles maintained on-site, 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.
- (2) The rental of passenger automobiles shall be prohibited, except as an accessory use.

The uses will comply with all the standards required above.

Hours of Open to the Public: In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The proposed use will comply with the required hours open to the public.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. Because no freestanding sign is proposed, the sign allowance is 1.5 square feet of signage for every 1 linear foot of primary building wall. Two wall signs are shown on the north building wall for a total of approximately 78 square feet of signage and 147 square feet of signage is permitted. One of the signs is identified as an optional dynamic sign. The sign regulations allow dynamic changeable copy signs in the C2 district. A dynamic changeable copy sign may be up to 16 square feet in height. If the applicant chooses to pursue this sign, labeled as optional, it will require a conditional use permit. Dynamic changeable copy signs are those that include letters or numbers only. Dynamic signs, which include text images and exhibits changing effects or any series of imagery or display which may appear to move or change, are not allowed. On the east elevation, 40 square feet of signage is proposed and 50 square feet is permitted. On the south elevation, facing the parking lot, 34 square feet of signage is proposed and 147 square feet is permitted. All signage proposed is within the parameters allowed for the site.

Refuse storage: Section 535.80. Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure, not less than two (2) feet higher than the refuse container, or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses.

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any

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permitted or conditional residential use.

(3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.

(4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.

(5) Lighting shall not create a hazard for vehicular or pedestrian traffic.

(6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

The site is designated for mixed use on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The site is designated for mixed use on the future land use map in the Comprehensive Plan and Central Avenue is a community corridor in this location. The site is also within the boundaries of a neighborhood commercial node. Community corridors are primarily residential with intermittent commercial uses clustered at intersections in nodes. Commercial uses on community corridors are generally small-scale retail sales and services, serving the immediate area. Similarly, neighborhood commercial nodes generally provide retail or service uses on at least three corners of an intersection that serve the surrounding neighborhood, with a limited number of businesses serving a larger area. The following Comprehensive Plan policies apply to this site:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

1.1.6 Develop small area plans for designated land use features, particularly Activity Centers, Growth Centers, and Major Retail Centers, in consultation with neighborhood associations, residents, and other stakeholders.

Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

1.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.

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- 1.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- 1.9.4 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

Policy 1.11: Preserve and enhance a system of Neighborhood Commercial Nodes that includes a mix of housing, neighborhood-serving retail, and community uses.

- 1.11.1 Discourage the commercial territorial expansion of Neighborhood Commercial Nodes, except to adjacent corners of the node's main intersection.
- 1.11.2 Support the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.
- 1.11.3 Discourage new or expanded uses that diminish the transit and pedestrian character of Neighborhood Commercial Nodes, such as some automobile services and drive-through facilities.
- 1.11.5 Encourage a height of at least two stories for new buildings in Neighborhood Commercial Nodes, in keeping with neighborhood character.

The proposal at this time includes modifying an existing, non-conforming use that was destroyed by fire. This auto-oriented use, while discouraged by the Comprehensive Plan, is a legal non-conforming use that will remain on the site. The applicant is proposing a site design that includes a two-story building at the corner with increased landscaping and other site improvements, consistent with the above policies of the Comprehensive Plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is located within the boundaries of the Central Avenue Small Area Plan. Specifically, the site is identified as part of the "north segment" of Central Avenue. The specific block that the subject site is located on is referenced in the plan, as follows:

The northern-most block of this segment is an extension of the Columbia Heights commercial area. Properties are primarily auto-oriented businesses in a suburban format. As the region grows, this block should evolve into a pedestrian-friendly area with convenience retail. Pedestrian-friendly designs include wide, well maintained sidewalks, few curb cuts, buildings with human scaled features and frequent doors and windows, parking on the rear or side of buildings (not in front), and uses and activities that people prefer to walk to.

The existing use on the site is an auto-oriented business and is not proposed to change at this time. However, the applicant is proposing to reconfigure the site by constructing the new building at the corner with an entrance that opens onto the public sidewalk adjacent to Central Avenue. The used automobile display area will be shifted south and the amount of landscaping on site will be significantly

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increased over the existing. The applicant is also reducing the number of curb cuts on Central Avenue from two to one, with the sole curb cut proposed in the center of the site. These site improvements are consistent with the above recommendations of the plan and will create a more pedestrian-friendly design for this auto-oriented use.

The plan makes a number of recommendations for strengthening the corridor image and identity of Central Avenue. One of those recommendations calls for “gateway buildings,” or buildings at major intersections along Central Avenue that can be designed to create identifiable places. The intersection of 37th Avenue NE and Central Avenue NE is the gateway into Minneapolis as one travels south from Columbia Heights. The small area plan calls for high quality buildings with strong architectural form that anchor and create entrances at gateway locations. Staff has recommended approval of the building with conditions that will improve the aesthetic quality of the building and result in a structure that is more consistent with the plan recommendation for this highly visible corner. The plan also calls for trees, fences, gardens and similar elements along Central Avenue to contribute to a friendlier public realm. The applicant is proposing dense landscaping and a decorative wrought-iron fence along Central Avenue, consistent with this plan recommendation.

Alternative Compliance. The Planning Commission 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.**

Alternative compliance is requested for the windows requirements on the first floor of the north and south elevations. The shop area for the minor auto repair use comprises the majority of the first floor. Due to the nature of the use and the location of the overhead doors, it may be impractical to require windows on the south elevation. However, one additional window shall be required in the office area of a size that matches the two windows proposed. On the north elevation, a minimum of 20 square feet of additional glazing shall be provided required, which would bring the total amount of glazing to 20 percent. Approximately 20 percent of the second floor contains windows, exceeding the minimum requirement of 10 percent. The additional windows on this second floor may serve as an alternative for remaining 75 square feet of glazing that is required for the first floor. Staff recommends granting alternative compliance for the height of the windows on the first floor due to the nature of the minor auto repair use.

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Alternative compliance is also requested to allow the west side of the building to have a blank, uninterrupted wall that exceeds 25 feet. This west elevation, facing the neighboring residential uses, does not contain any windows, architectural elements, recesses or projections for the length of the 30 foot wall. Staff recommends that the applicant provide a window or other architectural element to break up the blank wall.

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 findings above and **approve** the conditional use permit to allow an minor automobile repair use for the property located at 3650 Central Avenue NE, subject to the following condition:

- 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.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the expansion or alteration of a non-conforming use to allow used automobile sales for the property located at 3650 Central Avenue NE, subject to the following condition:

- 1) All loading shall occur on the premises to mitigate any congestion in the adjacent streets and alley.
- 2) All vehicles intended for sale shall only be displayed in the vehicle storage and display area identified on the site plan.

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for a new 3,920 square foot building and related site improvements at the property of 3650 Central Avenue NE, subject to the following conditions:

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- 1) CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.
- 2) All site improvements shall be completed by December 13, 2011, unless extended by the Zoning Administrator, or the approvals may be revoked for noncompliance.
- 3) The access from the alley shall be closed in compliance with Section 530.150 of the zoning code.
- 4) A minimum of 20 square feet of additional glazing shall be provided on the first floor of the north elevation, in accordance with Section 530.120 of the zoning code.
- 5) One additional window shall be added to the first floor of the south elevation of a size that matches the two proposed windows, in accordance with Section 530.120 of the zoning code.
- 6) The applicant shall provide windows, architectural elements, recesses or projections to the east elevation to eliminate any blank, uninterrupted wall in excess of 25 feet, in compliance with Section 530.120 of the zoning code.
- 7) A dynamic changeable copy sign up to 16 square feet in area shall require a conditional use permit.

Attachments:

1. Statement and findings from applicant.
2. Zoning map.
3. PDR Report.
4. Correspondence
5. Site plans and elevations.
6. Proposed floor plans.
7. Photos.