

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit and Site Plan Review
BZZ-4599

Date: November 9, 2009

Applicant: Olmedo Alvarado dba Maxi Auto

Address of Property: 2801 Central Avenue NE

Project Name: Maxi Auto

Contact Person and Phone: Charles Schatz – Reprise Design 952-252-4042

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: October 20, 2009

End of 60 Day Decision Period: December 19, 2009

Ward: 1 Neighborhood Organization: Audubon 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.

Existing Use: Minor Automobile Repair and Automobile sales (used).

Concurrent Review:

Conditional use permit: Amendment to an approved conditional use permit for a minor auto repair facility to allow an approximately 1,591 square foot addition to an existing building.

Site Plan Review: For an approximately 1,591 square foot addition to an existing building.

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

Background: The site contains a minor automobile repair business (Maxi Auto), Auto Central Wholesale (use car sales), and (Mirasol Express) a grocery store. The owner of Maxi Auto proposes to add a 1,591 square foot addition to the east side of the building to add three additional service bays. This requires an amendment to the approved conditional use permit for the use. An addition over 1,000 square feet facing a public street and an expansion of automobile services use requires site plan review.

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A site plan review (SP-214) was reviewed and approved by the City Planning Commission in 2001 for the two businesses located at the site at the time: Anderson Automotive (minor automobile repair) and Central Wholesale Auto (used car sales). The site plan was approved with the following conditions:

- 1) Staff review and approval of the final site, landscaping, and snow storage and removal plans.
- 2) All site improvements at the rear of the site shall be completed by October 30, 2001 or permits may be revoked for noncompliance. This includes the screening along 28th Avenue to the east of the building, construction of the dumpster enclosure, and restriction of alley access per Public Works requirements.
- 3) All site improvements at the front of the building shall be completed by October 30, 2002 or permits may be revoked for noncompliance. This includes any alteration of curb cuts, landscaping, and curbing along Central Avenue and 28th Avenue to the west of the building.
- 4) If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs by April 2, 2001, or permits may be revoked for noncompliance.
- 5) The dumpster shall be screened with an enclosure per code requirements.
- 6) The use is subject to the specific development standards for automobile repair and automobile sales in Section 536 of the Zoning Ordinance.
- 7) The curb cut on 28th Avenue NE shall be narrowed per Public Works requirements.
- 8) Alley access is restricted per Public Works standards and shall be allowed only for garbage pick up and deliveries.
- 9) The landscaped areas between the sidewalk and parking spaces shall be bounded by concrete curbing along the Central Avenue NE and 28th Avenue NE frontages.
- 10) The final landscaping plan shall include the following elements: additional planting areas at the northwest and southwest corners, improved landscaping on the east side of the building on the 28th Avenue frontage, provision of the required number of trees and shrubs, and utilization of landscaping material that is in conformance with the requirements of the *Making Central Avenue Great* plan. Final landscaping shall not include planter boxes.
- 11) The chain link fence with slats shall be replaced with a wood screen fence.
- 12) The weeds in the parking lot shall be removed.
- 13) All outside storage including tires shall be removed.
- 14) Compliance with the Technical Advisory Committee agreement for as long as it is in effect.

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Please see the attached approved site plan (PW # 6945). The majority of the improvements were completed, but the streetscape improvements were delayed due to the timeline of the reconstruction of Central Avenue NE and the fencing was not brought into compliance with the code requirements.

In 2004, Mr. Alverado purchased the site and applied for a site plan review modification (BZZ-1607) to be allowed more time to install the Central Avenue frontage landscaping and screening improvements. At its meeting of March 22, 2004, the City Planning Commission approved a site plan review modification to allow the remaining site improvements, which consisted of the street frontage landscaping and screening, to be completed within one year of the Central Avenue reconstruction. Central Avenue was completed in 2005/2006.

In August of 2009, the applicant was sent a notice of non-compliance from the zoning enforcement office that identified the fencing, dumpster screening, landscaping, curbing, and parking space and drive aisle markings as noncompliant. At this same time, the applicant proposed an addition to the site. The addition requires site plan review. If for any reason the applicant decides not to build the addition, the conditions of approval from the previous site plan reviews are required to be implemented.

As of the writing of this report, staff has not received any correspondence from the neighborhood group, but will forward comments, if any, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT (amendment for a minor auto repair use)

Findings as required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

Approval of the conditional use permit will allow an expansion and improvement of the site. With the landscaping, fencing, and other site improvements and the staff recommended conditions of approval, this should be an improvement to the surrounding area.

- 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 use is existing and the surrounding area is developed. The addition does not increase the height or encroach into the setbacks. Improved fencing, landscaping and screening will be provided on the east side of the site to lessen the impact of the proposed addition.

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

Utilities and access are existing and adequate. One curb cut on Central will be eliminated and the westerly cut onto 28th Avenue NE will be narrowed per Public Works standards to 22 feet. Alley access will be closed.

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

The site, after the addition is built, is required to have 29 parking spaces, and 29 are provided. The proposed addition should not significantly add congestion to the public streets.

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

The Minneapolis Plan for Sustainable Growth designates this portion of Central Avenue NE as a commercial corridor, which are high traffic areas with mixes of uses, with commercial predominating. The plan has the following relevant policy:

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low-impact light industrial – where compatible with the existing and desired character.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

The *Central Avenue Small Area Plan* (adopted June of 2008) designates this parcel as mixed use commercial and indicates that the commercial corridor designation remain in place to 29th Avenue NE.

The proposed addition to an existing use, with staff recommended conditions of approval is in conformance with the above noted policy and implementation steps.

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

The site will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit and site plan review.

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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 DESIGN:

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

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

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

Principal entrances shall be clearly defined and emphasized through the use of architectural features

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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 530.20 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.

The existing building is setback 65 feet from the Central Avenue NE property line and the proposed addition will be 56 back from the 28th Avenue NE property line (45 feet from the setback line). Staff recommends alternative compliance, as it would be impractical to require the addition to be built up to the setback line on 28th Avenue NE as it would double the size of the addition or make a connection to the existing auto repair use very difficult.

Parking is located between the building and the adjacent streets. There will be landscaping between the parking and the public sidewalks.

The existing building entrances face Central Avenue NE and the services bays of the proposed addition will face 28th Avenue NE.

The parking area is located between the buildings and the property line, but this condition is existing.

The exterior of the existing building is plain-faced concrete block with a stucco finish in some areas facing Central Avenue NE. The exterior material of the addition is plain face concrete block. The elevations do not contain architectural detail. The east elevation does not meet the prohibition on blank walls greater than 25 feet in length. Staff does not recommend alternative compliance and recommends that a material other than plain face concrete block, such as brick, stucco or split-face block be used and that additional architectural detail on the east side elevation be provided to break up the blank wall greater than 25 feet in length. If there are future changes to the materials approved by the City Planning Commission, this may require review and approval by the City Planning Commission.

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Non-residential uses are required to provide 30 percent windows on the first floor of elevations facing a public street or on-site parking lot for the new construction. The existing windows on the existing building can not be reduced below the amount currently provided or required by code, whichever is less. No changes are proposed to the existing building. No windows are located on the existing wall facing 28th Avenue where the addition will be built. The elevation of the new addition facing 28th Avenue NE will have three service bays with overhead doors, so there will be no windows on this façade. Staff recommends alternative compliance as it is not possible to locate windows on this façade due to the location of the service bays and the overhead doors.

The roof is flat to match the existing building. The majority of commercial structures have flat roofs along Central Avenue.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.150 (b) related to alley access.**
- **Site plans shall minimize the use of impervious surfaces.**

The entrances to the building do not open onto a public sidewalk and are not connected by a sidewalk. Staff recommends alternative compliance as it is not possible to provide a sidewalk connection and provide the required parking space and drive aisle widths with landscaping between the parking and the public sidewalk. This was given alternative compliance in the previous site plan review (SP-214).

There are no transit shelters on the site.

Vehicular access and circulation has been designed to minimize conflict with pedestrians. Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable with the changes listed in the PDR report including closing of one curb cut onto Central Avenue and the narrowing of the western curb cut onto 28th Avenue and the closure of the alley access.

The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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**

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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.

The site plan shows 11 percent landscaping. The zoning lot area is 29,583 square feet and the footprint of the building is 9,404 square feet. This leaves 20,179 square feet, of which 20 percent (4,035 square feet) is required to be landscaped. The applicant is providing approximately 2,252 square feet of landscaped area on site. Staff recommends alternative compliance if the applicant provides a decorative metal (wrought iron style) fence of 3.5 to 4 feet height along the street frontages between the sidewalk and the landscaping as an amenity in lieu of the full landscaping requirement.

The development is required to provide a minimum of eight trees and 43 shrubs on site. The site plan shows six trees and 71 shrubs. Staff recommends granting alternative compliance for the number of trees, as there are no areas where a tree can be planted.

The site plan has the required 11 foot wide landscaped front yard established by the adjacent residential use between the parking and the right of way on 28th Avenue on the east side of the building. A five foot wide landscaped yard between the parking and the property line is provided on the west side of the building along 28th Avenue and Central Avenue. Staff recommends alternative compliance as increasing the landscaped areas by two feet is not possible without reducing the required dimensions of the drive aisles and parking spaces or losing an entire row of parking. In addition, staff recommends the provision of a decorative metal (wrought iron style) fence of 3.5 to 4 feet height along the street frontages between the sidewalk and the landscaping as an amenity in lieu of the full landscaping width requirement.

A five foot landscaped yard is provided along the east property line adjacent to the residential. Staff does not recommend alternative compliance and it shall be increased to seven feet for the parking area. It will have the required screen fence. No landscaped yard is provided along the alley. Staff recommends alternative compliance to eliminate the yard and screening as the area is used for parking,

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maneuvering, and trash pick-up. In addition, the previous site plan review approvals granted alternative compliance for this requirement and there is no change proposed at the rear of the site from the previous approvals.

The area between the parking and the public sidewalk does provide the required three foot high, 60 percent opaque screening and the one tree per 25 linear feet of parking area street frontage.

The parking lot has all spaces within 50 feet of an on-site deciduous tree.

All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped.

The chain link fence with slats on the east side of the site is prohibited and will be replaced with a wood screen fence that meets the requirements of the code. The fence can't exceed three feet in the required front yard setback or eight feet outside of the required yards.

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.

Curbing was required between the parking and the landscaping on the previously approved site plan, but was never implemented. The applicant now proposes to drain stormwater into the landscaped area which will have a swale to retain water.

The building addition will not block important views of the city or shadow public spaces and adjacent properties. It should not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

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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: Automobile repair (minor) is a conditional use in the C2 Neighborhood Corridor Commercial District and the addition to the building requires an amendment to this conditional use permit. The used car sales is a legally nonconforming use. The grocery store is a permitted use.

Off-Street Parking and Loading: *Minimum automobile parking requirement:* For the automobile repair (minor) use, the zoning code requires a minimum of 1 space per 500 square feet of gross floor area excluding service bays and 2 spaces per each service bay. The use will have 8 service bays and 1,200 square feet of gross floor area beyond the bays for a total of 18 spaces required. The used car sales has a requirement of 1 space per 500 square feet of gross floor area in excess of 4,000 square feet (minimum of 4 spaces) plus 1 space per 2,000 square feet of outdoor sales area and 2 spaces per service bay for a total of 9 spaces (4 min + 4 for service bays + 1 for 1,400 square feet sales area); however, the parking for this use was established by the zoning office in 1988, at 6 spaces. No change is proposed to the used car use, so this remains in effect. For the grocery store the zoning code requires one space per 500 square feet of gross floor area in excess of 4,000 square feet, but not less than 4 spaces. The use is 1,513 square feet, for a total of 4 spaces. The total required parking for the site is 29 spaces and 29 are provided. This includes the sales display spaces, but this was approved as a part of the previous land use approvals. Two van accessible spaces are required and two are provided.

Maximum automobile parking requirement: For an automobile repair (minor) use, the zoning code has a maximum requirement of 1 space per 200 square feet of gross floor area plus 2 per service bay for a total of 22 spaces. For automobile sales (used) the code has a maximum requirement of 1 space per 300 square feet of gross floor area plus 1 space per 1,000 square feet of sales display area and 2 spaces per services bay for a total of 11 spaces (1,860 square feet of gross floor area, 1,400 square feet of sales display, and 2 service bays). For the grocery store the maximum requirement is 1 space per 200 square feet of gross floor area for a total of 8 spaces required (1,513 square feet of gross floor area). The total for all uses is 41 and 29 spaces are provided.

Bicycle parking requirement: There is no bicycle parking requirement for the automobile repair and automobile sales. The grocery store was established before the bicycle parking requirement and is not required to provide bicycle parking as it is legally nonconforming to this standard.

Loading: The minimum loading requirement for automobile repair (minor) and automobile sales (used) less than 10,000 square feet and a grocery store less than 5,000 square feet is an adequate shipping and receiving facility, accessible by motor vehicle off any adjacent alley, service drive or open space on the same zoning lot. There is adequate loading area in the parking lot or off of the alley.

Maximum Floor Area: The maximum FAR in the C2 District is 1.7. The zoning lot in question is 29,583 square feet in area. The site will contain approximately 9,404 square feet of gross floor area on the lot, an FAR of 0.32.

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Building Height: Building height in the C2 District is limited to 2.5 stories or 35 feet, whichever is less. The existing building is a one story building. The proposed addition is one floor that is 20 feet high, which is one story.

Minimum Lot Area: The minimum lot area for automobile repair (minor) and automobile sales (used) is 12,000 square feet in the C2 District. The lot area is 29,583 square feet.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: In general, there are no setback requirements in C1 District unless adjacent to residential zoning. There is R2B Two-family Residence District zoning adjacent to the site to the east. A five foot setback is required for the building and parking along the east property line and this will be provided. The part of the site that wraps around the north side of the adjacent residential lot to the east is legally nonconforming for parking. The dumpster enclosure is required to meet the five foot setback. The 11 foot front yard setback of the adjacent residential property to the west is required to be extended across this site for 40 feet from the west property line. This setback is provided.

Specific Development Standards:

Minor automobile repair:

- (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.

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Automobile sales:

(1) Fuel pumps for the purpose of retail sale and dispensing of fuel to the general public shall be prohibited. If the use includes the 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.

Grocery store: The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of 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. Maxi Auto is open 9:00 a.m. to 6:00 p.m.; Auto Central Wholesale is open 10:00 a.m. to 5:00 p.m.; and Mirasol Express is open 9:00 a.m. to 8:00 p.m..

Signs: Signs are subject to 531 and 543 of the Zoning Code. Streamers are prohibited. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The applicant is aware that all signage requires Zoning Office review and approval and permits.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A refuse enclosure would be provided at the rear of the site that will be screened per code.

Lighting: The lighting will 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 arranged so as not to directly or indirectly cause illumination or glare in excess of one-half ($\frac{1}{2}$) 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 source.

(2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.

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(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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.

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

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

MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH: In addition to the policy and implementation steps listed under finding number five in the conditional use permit section of the staff report, the comprehensive plan has the following relevant policy and implementation steps regarding urban design:

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

10.10.1 Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Policy 10.11: Seek new commercial development that is attractive, functional and adds to the physical environment.

10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

With the conditions of approval the site plan and building design are in conformance with these policies of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The *Central Avenue Small Area Plan* (adopted June of 2008) designates this parcel as mixed use commercial and indicates that the commercial corridor designation remain in place to 29th Avenue NE. It has no specific recommendations for this parcel. It recommends that new buildings have urban oriented frontages, and the addition of decorative fencing will help implement this goal.

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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 by the applicant to meet the following standards:

- Building placement within eight feet of the front lot and corner side yard lot lines.

The existing building is setback 65 feet from the Central Avenue NE property line and the proposed addition will be 56 feet back from the 28th Avenue NE property line (45 feet from the setback line). Staff recommends alternative compliance, as it would be impractical to require the addition to be built up to the setback line on 28th Avenue NE as it would double the size of the addition or make a connection to the existing auto repair use very difficult.

- Blank walls exceeding 25 feet.

The exterior of the existing building is plain-faced concrete block with a stucco finish in some areas facing Central Avenue NE. The exterior material of the addition is plain face concrete block. The elevations do not contain architectural detail. The east elevation does not meet the prohibition on blank walls greater than 25 feet in length. Staff does not recommend alternative compliance and recommends that a material other than plain face concrete block, such as brick, stucco or split-face block be used and that additional architectural detail on the east side elevation be provided to break up the blank wall greater than 25 feet in length.

- Windows.

Non-residential uses are required to provide 30 percent windows on the first floor of elevations facing a public street or on-site parking lot for the new construction. The existing windows on the existing building cannot be reduced below the amount currently provided or required by code, whichever is less. No changes are proposed to the existing building. No windows are located on the existing wall facing 28th Avenue where the addition will be built. The elevation of the new addition facing 28th Avenue NE will have three service bays with overhead doors, so there will be no windows on this façade. Staff recommends alternative compliance as it is not

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possible to locate windows on this façade due to the location of the service bays and the overhead doors.

- Walkway.

The entrances to the building do not open onto a public sidewalk and are not connected by a sidewalk. Staff recommends alternative compliance as it is not possible to provide a sidewalk connection and provide the required parking space and drive aisle widths with landscaping between the parking and the public sidewalk. This was given alternative compliance in the previous site plan review (SP-214).

- 20 percent landscaping.

The site plan shows 11 percent landscaping. The zoning lot area is 29,583 square feet and the footprint of the building is 9,404 square feet. This leaves 20,179 square feet, of which 20 percent (4,035 square feet) is required to be landscaped. The applicant is providing approximately 2,252 square feet of landscaped area on site. Staff recommends alternative compliance if the applicant provides a decorative metal (wrought iron style) fence of 3.5 to 4 feet height along the street frontages between the sidewalk and the landscaping as an amenity in lieu of the full landscaping requirement.

- Number of trees on site.

The development is required to provide a minimum of eight trees and 43 shrubs on site. The site plan shows six trees and 71 shrubs. Staff recommends granting alternative compliance for the number of trees, as there are no areas where a tree can be planted.

- Seven foot wide landscaped yards.

The site plan has the required 11 foot wide landscaped front yard established by the adjacent residential use between the parking and the right of way on 28th Avenue on the east side of the building. A five foot wide landscaped yard between the parking and the property line is provided on the west side of the building along 28th Avenue and Central Avenue. Staff recommends alternative compliance as increasing the landscaped areas by two feet is not possible without reducing the required dimensions of the drive aisles and parking spaces or losing an entire row of parking. In addition, staff recommends the provision of a decorative metal (wrought iron style) fence of 3.5 to 4 feet height along the street frontages between the sidewalk and the landscaping as an amenity in lieu of the full landscaping width requirement.

A five foot landscaped yard is provided along the east property line adjacent to the residential. Staff does not recommend alternative compliance and it shall be increased to seven feet for the parking area. It will have the required screen fence. No landscaped yard is provided along the alley. Staff recommends alternative compliance to eliminate the yard and screening as the area is used for parking, maneuvering, and trash pick-up. In addition, the previous site plan review approvals granted alternative compliance for this requirement and there is no change proposed at the rear of the site from the previous approvals.

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RECOMMENDATIONS:

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

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit amendment to allow a building addition and site improvements for a minor automobile repair use for property located at 2801 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 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 property located at 2801 Central Avenue NE, subject to the following conditions:

- 1) CPED Planning staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by November 9, 2010, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Compliance with the applicable development standards for the uses at the site listed in Chapter 536 of the zoning code.
- 4) The addition shall use materials other than plain-faced concrete block, such as brick, stucco or split-faced block as required by section 530.120 of the zoning code.
- 5) Provision of additional architectural detail on the east side of the addition to eliminate a blank wall greater than 25 feet in length as required by section 530.120 of the zoning code.
- 6) Provision of a decorative metal (wrought iron style) fence of 3.5 to 4 feet in height along the Central Avenue frontage and the 28th Avenue frontage (west of the building) between the sidewalk and the landscaping.
- 7) Provision of a wood screen fence along the east property line adjacent to the residential use.

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- 8) Removal of prohibited fence materials, outdoor storage, and banners or streamers not allowed by code.
- 9) Closure of alley access as required by Section 530.150 and the Public Works Department.

Attachments:

1. PDR report.
2. Non-compliance letter.
3. Statement from the applicant.
4. Zoning maps.
5. Site plans, floor plans, and elevations.
6. Photos.