

Department of Community Planning and Economic Development – Planning Division
Zoning Amendment (Rezoning), Conditional Use Permits, Variances, Site Plan Review
BZZ-3184

Date: September 18, 2006

Applicant: Bertha Ruiz

Address of Property: 2841 & 2845 16th Ave S

Project Name: Jimmy's Auto Repair

Contact Person and Phone: Luis Caire (612) 290-1701

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

Date Application Deemed Complete: July 27, 2006

End of 60-Day Decision Period: September 25, 2006

End of 120-Day Decision Period: A letter was sent to the applicant on August 14, 2006 extending the decision period to November 24, 2006.

Ward: 9

Neighborhood Organization: East Phillips Improvement Coalition

Existing Zoning: I1 (2845 16th Ave S) and R2B (2841 16th Ave S)

Proposed Zoning: Transitional Parking Overlay (TPO) district over the R2B zoning at 2841 16th Ave S

Zoning Plate Number: 26

Legal Description of Property Proposed for Rezoning: The land referred to is situated in the State of Minnesota, County of Hennepin, and is described as follows:

2841 16th Ave S

Block 001, Lot 7, Allan & Andersons Addition to Minneapolis

Lot area: 5,658 square feet proposed rezoned, 11,436 square feet total site

Proposed Use: A minor auto repair shop

Concurrent Review:

- Rezone to add a Transitional Parking Overlay District to the existing R2B zoning district at 2841 16th Ave S
- Conditional use permit to allow a parking lot at 2841 16th Ave S

- Conditional use permit to allow a minor automobile repair facility
- Variance to reduce the number of required parking stalls from 14 to 11
- Variance to reduce the front yard setback from 17 to 5 feet at 2841 16th Ave S
- Variance to reduce a two-way drive aisle from 22 to 19 feet at 2841 16th Ave S
- Site Plan Review

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

Background: The applicant purchased the building and the adjacent lot located at 2845 and 2841 16th Ave S, respectively, in December of 2005. The building site, 2845 16th, is zoned I1 and the adjacent lot is zoned R2B. Prior to the sale the building had been used as a contractor’s office and woodworking shop, and while the adjacent lot was paved for parking prior to applicant purchasing the property, there is no record of the necessary applications that would be required to allow accessory surface parking on the lot.

For such parking to be permitted, the applicant must either rezone the property to I1, matching the zoning district for 2845 16th Ave S, or rezone to add a Transitional Parking Overlay (TPO) district to the existing R2B zoning. The applicant is applying for the latter in order to maintain the underlying residential zoning to protect the adjacent residences to the north from future industrial uses.

In addition to the rezoning, a conditional use permit is required to allow a parking lot in a TPO. A conditional use permit is also required to allow a minor automobile repair in the I1 district. Three variances are being requested and site plan review is required.

Staff has not received any written correspondence from East Phillips Improvement Coalition at the time of the printing of this report. One neighbor has written expressing concern specifically with the parking variance, and that letter is attached to this report.

ZONING AMENDMENT -

Required Findings for a zoning amendment:

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

The project site is located on the Midtown Greenway, which is both a transportation and greenspace amenity. The Midtown Greenway Land Use and Development Plan is in progress, and a rezoning study is likely to follow the plan when it is approved.

The Midtown Minneapolis Land Use and Development Plan shows future uses on the project site as medium density housing. This further indicates that rezoning the R2B parcel to I1 would not be appropriate. Rezoning to add the TPO allows commercial use of the building with parking presently, without contradicting the future goals for the area.

According to *The Minneapolis Plan*, the following policies apply:

Chapter 2.8 of *The Minneapolis Plan* states: “Minneapolis will develop the existing economic base by emphasizing business retention and expansion.” One of the implementation steps for this section is to “encourage existing capital equity pools to serve the business and financial needs of disadvantaged populations and to publicize the availability of such resources.” Financing for the building was in part provided by a City of Minneapolis Capital Acquisition Loan Program, which indicates consistency with this policy.

Chapter 9.15 of *The Minneapolis Plan* states: “Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.” One of the implementation steps for this policy is to “provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.” To realistically allow use of the existing industrial building at 2845 16th Ave S, off-street parking is needed. This is best served by the existing surface parking lot at 2841 16th Ave S, which can be done with the TPO while retaining the underlying residential zoning and requiring the appropriate buffer for the adjacent property to the north.

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

The rezoning is in the interest of the applicant as it will allow the use of a residential lot for parking so that a business can be run at 2845 16th Ave S. However, without such parking it is likely the building would remain vacant which has potentially more negative impacts on the community than a parking lot, especially if landscaping and screening requirements are being met.

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

The proposed zoning classification retains the underlying R2B zoning, which is the same as the residential properties to the north, while allowing a parking lot compatible with the business use in the II District.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

The most reasonable use of the R2B property is residential, but such a use of 2841 16th Ave S would have to mitigate the effects of being adjacent to an industrial building and a likely vacant building if no parking were permitted.

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in

its present zoning classification, where the amendment is to change the zoning classification of particular property.

2845 16th Ave S is adjacent to the Midtown Greenway, which was a rail corridor that served many industrial uses along side it. However, the neighborhood in general has always been residential in nature. The Midtown Greenway Land Use and Development Plan seems to indicate that residential uses will be encouraged along the Greenway in the future which further supports the TPO to allow parking for the industrial building rather than industrial zoning.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow a surface parking lot on the R2B (and proposed TPO) zoning district at 2841 16th Ave S:

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

The existing parking lot on 2841 16th is completely enclosed with fencing. Further screening and landscaping is proposed (see Site Plan Review). The parking lot should not endanger the public.

- 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 parking lot will be landscaped and screened to minimize its affect on adjacent properties. As it currently exists as a parking lot it is unlikely that further improvements will hinder the use and enjoyment of nearby property or future development.

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

Access to the parking will be through a curb cut; access to the interior service bays is through another curb cut leading to a garage door in the building. The site is relatively flat and either discontinuous curbing or wheel stops will be used to direct drainage to proposed landscaping.

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

The properties abut a public alley to the east but the fencing prevents vehicles from using the alley to the benefit of the residential uses along the alley. There is a gate in the rear for emergency access but traffic and parking access to the lot should always use the curb cut off 16th Ave S. The size of the business is such that it is unlikely it will cause traffic congestion.

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

See finding #1 of the Zoning Amendment.

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

In addition to a Zoning Amendment to add a TPO to the R2B districts and a Conditional Use Permit to allow parking on that property, the proposal for Jimmy's Auto Repair requires a Conditional Use Permit to allow a minor auto repair use and three variances: one to reduce required parking, one to reduce the required drive aisle width, and one to reduce the front yard setback. Furthermore, Site Plan Review is required.

Parking lots in the TPO must meet the following standards:

- a. The parcel on which the parking lot is located shall have a side lot line that abuts the zoning district served or shall be part of the zoning lot served.
- b. The width of the parking lot shall not exceed seventy-five (75) feet.
- c. The use of the parking lot shall be restricted to the parking of passenger automobiles only. No commercial vehicles shall be parked or stored.
- d. The parking lot shall be closed with a secured gate or other appropriate mechanism between the hours of 10:00 p.m. and 6:00 a.m., except as specifically authorized by the conditional use permit.
- e. The parking lot shall at no time be used for outdoor sales, display or storage.
- f. Each entrance to and exit from such parking lot shall be located at least twenty (20) feet from any adjacent property located in a residence or office residence district.
- g. The parking lot shall be landscaped and screened pursuant to the provisions of Chapter 530, Site Plan Review.

At the time of the printing of this report, the applicant has not been scheduled for Preliminary Development Review (PDR). PDR must take place before final plans will be accepted.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit to allow a minor automobile repair use on the I1 zoning district located at 2845 16th Ave S:

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

All repair activities will occur inside the building and should not endanger the public.

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 surrounding area is entirely R2B, and the auto repair use is located at the end of a block with a parking lot buffer between it and the closest residential use. Enjoyment, development, and

improvement of surrounding property should not be impeded assuming compliance with the Specific Development Standards applicable to minor automobile repair uses.

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

Access to the parking will be through a curb cut; access to the interior service bays is through another curb cut leading to a garage door in the building. There is a fence preventing access to the dead end alley in the rear of the site – this area will be used for a trash enclosure and snow storage.

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

The properties abut a public alley to the east but the fencing prevents vehicles from using the alley to the benefit of the residential uses along the alley. The size of the business is such that it is unlikely it will cause traffic congestion.

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

See finding #1 of the Zoning Amendment.

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

In addition to a Zoning Amendment to add a TPO to the R2B districts and a Conditional Use Permit to allow parking on that property, the proposal for Jimmy's Auto Repair requires a Conditional Use Permit to allow a minor auto repair use and three variances: one to reduce required parking, one to reduce the required drive aisle width, and one to reduce the front yard setback. Furthermore, Site Plan Review is required.

Specific Development Standards for a minor automobile repair include:

- (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.

VARIANCES

Findings Required by the Minneapolis Zoning Code for the Variance to decrease the amount of required off-street parking from 14 to 11 stalls.

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The existing building cannot be put to a reasonable use without parking, and fulfilling site plan review requirements and a van accessible parking space leaves a limited amount of space for parking.

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

The circumstances of the parcel include its size and the relative isolation of the I1 zoning lot where the existing industrial building is located, which limits access to off-street parking as the building takes up almost the entire zoning lot. This circumstance and the parking lot itself were not created by the applicant.

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

The amount of parking required for automobile repair is in part for the storage of vehicles that are waiting to be worked on or waiting to be picked up. There is space inside the building to locate some of these cars if necessary – significant levels of on-street parking are not expected as a result of reducing the required parking by three stalls.

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

As stated above, it is not likely that a significant increase in on-street parking will occur if the parking requirement is reduced by three stalls.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the front yard setback from 17 to 5 feet.

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The property could retain its 11 parking spaces and increase the front yard setback to 12 feet. Reducing the parking spaces further than 11 stalls could create parking congestion in the neighborhood, however, staff is supporting a reduction of the front yard setback to 12 feet.

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

The circumstances of the parcel include its size and the relative isolation of the I1 zoning lot where the existing industrial building is located, which limits access to off-street parking as the building takes up almost the entire zoning lot. Maximizing the parking is what leads to the need for a reduced front yard setback.

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

The 17 foot front yard setback requirement is created by the established front yard of the residential property to the north. The front yard setback helps create a uniform street wall and protects adjacent properties from being too close to negative impacts. A reduction of the front setback from 17 feet to 12 feet should not greatly affect the street wall as other residential properties to the north are closer to the street than 17 feet. The parking, which is a potential negative impact, will be screened.

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

The front yard setback reduction will maximize the project's off-street parking which should reduce the potential for congestion of the public streets. Public welfare should not be negatively affected by the setback reduction.

Findings Required by the Minneapolis Zoning Code for the Variance to reduce the required drive aisle from 22 to 19 feet.

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The width of the property prevents it from meeting all landscaping and drive aisle width requirements. The applicant originally proposed only 2 feet of landscaping along the northern property wall so that a drive aisle variance would not be needed. The applicant has agreed to

increase that landscaping, which creates the need for the drive aisle width variance. Staff agrees that this is a better compromise of the needs of the site and compliance with the code.

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

The width of the property and its status as the only parking option for the building to its south is unique to the parcel of land and was not created by the applicant.

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

The drive aisle width is determined to allow maneuverability and two-way traffic. The parking lot will be used by the business and its customers only. A reduction of the drive aisle width to 19 feet is still reasonable, if not optimal, for vehicle maneuvering.

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

Reducing the drive aisle width should have no impact on congestion or be detrimental to the public.

SITE PLAN REVIEW

Findings as Required By the Minneapolis Zoning for Site Plan Review

Required Findings for Site Plan Review

- a. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- b. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

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

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

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

 - a. Windows shall be vertical in proportion.
 - b. Windows shall be distributed in a more or less even manner.
 - c. The bottom of any window used to satisfy the ground floor window requirement may not be more than four (4) feet above the adjacent grade.
 - d. First floor or ground floor windows shall have clear or lightly tinted glass with a visible light transmittance ratio of 0.6 or higher.
 - e. First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot,

provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **The form and pitch of roof lines shall be similar to surrounding buildings.**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance:

- The placement of the building reinforces the street wall on 16th Ave S and creates a street wall along the Midtown Greenway.
- The existing building is on the front lot line.
- The building is located right up to the property line except for a small portion in the rear that allows a rear exit from the building.
- The main entrance to the building is off 16th Ave S.
- Parking is proposed to the side of the building, on a separate lot. The parking lot was created prior to the applicant's ownership. The building is existing and there are no parking options to the rear or interior of the site.
- Windows are required on 30% of the first floor and 10% of each floor above the first floor for two sides of the building because they face a public street or on-site parking lot. The building is not meeting any of these requirements, but this is an existing condition.
- Windows are distributed in a more or less even manner and are generally vertical in nature.
- The building is separated into smaller sections with architectural features and materials in the front, but other sides of the building are plain. There is an existing mural facing the Midtown Greenway that is faded and has been tagged with graffiti. These are existing conditions.
- Many sections of the building have more than 25 feet without windows or architectural features. This is an existing condition.
- The building's exterior is painted concrete block, with vertical siding within the triangle created by the gabled roof in the front and rear. This is also an existing condition. However, four overhead door openings in the rear, facing the alley, have been covered in OSB or tar paper. These opening should not be used to prevent negative impacts on the residences along the alley – staff is recommending a durable material compatible with the building's exterior be used to permanently close these openings.
- The roof is gabled, similar to adjacent residential buildings.

ACCESS AND CIRCULATION:

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

Conformance:

- There are no walkways to the building as the entrance is up to the sidewalk.
- There are no transit shelters on or adjacent to the site.
- There are two curb cuts are proposed for the site. Currently there is one large curb cut that leads to both the parking lot and the front facing garage door into the building. The applicant is showing that a bump-out would be created to separate this large curb cut into two smaller curb cuts. This will bring the width of the curb cuts into compliance with section 541.240 of the zoning code, which states the maximum width for curb cuts as 25 feet. It will also be safer for pedestrians to have two narrower curb cuts to cross instead of one long one.
- An existing fence and gate is located in the rear of the parking lot to provide access to trash and snow storage. Vehicular access to the building, however, should be limited to the curb cuts off 16th Ave S to protect residential uses along the alley from negative impacts.
- All areas not needed for buildings, access, loading, or trash and recycling, will be landscaped.

LANDSCAPING AND SCREENING:

- The composition and location of landscaped areas shall complement the scale of the development and its surroundings.
- Not less than twenty (20) percent of the site not occupied by buildings, including all required landscaped yards, shall be landscaped as specified in section 530.160 (a).
- Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.
- Except as otherwise provided, required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:
 - A decorative fence.
 - A masonry wall.
 - A hedge.
- Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.170 (b), including providing landscape yards along a public street, public sidewalk or public pathway and abutting or across an alley from a residence or office residence district, or any permitted or conditional residential use.
- The corners of parking lots where rows of parking spaces leave areas unavailable for parking or vehicular circulation shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks or bicycle parking.
- In parking lots of ten (10) spaces or more, no parking space shall be located more than fifty (50) feet from the center of an on-site deciduous tree. Tree islands located within the interior of a parking lot shall have a minimum width of seven (7) feet in any direction.
- All other areas not governed by sections 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.
- Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
- The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.80, as provided in section 530.220.

Conformance:

- The lot area (11,436 sq. ft.) less the building footprint (5,126 sq. ft.) yields a net site of 6,310 sq. ft. The Code requires a minimum of 1,262 sq. ft. of landscaping, 3 trees and 13 shrubs. The total landscaping proposed by the applicant is 695 sq. ft. This equals 11% of the net site. The proposed project includes shows 5 trees and 9 shrubs, however no trees are located between the parking lot and the public street as required by section 530.170(b)(3) of the code, and no shrubs are located between the parking lot and the residential use to the north as is required by section 530.160(c). Staff recommending requiring the applicant to meet both these requirements. Furthermore, staff has determined that if the 11 parking stalls proposed at 9 feet wide were reduced to the minimum 8 ft. 6 in. minimum additional landscaping could be added, increasing the total provided to 800 sq. ft., or 13%. Because of the existing nature of the parking lot and the need to reduce parking staff is recommending granting alternative compliance for the amount of landscaping if it is increased to 13%. The additional landscaping should allow all 13 required shrubs to be located on the site.
- Screening is required between the surface parking lot and the public right-of-way along 16th Ave S and between the parking lot and the adjacent residence to the north. Such screening is provided in the form of a hedge along the front of the property and a wooden fence along the adjacent residence to the north. Seven feet of landscaping and screening is also required between the parking lot and the alley to the east as it abuts residential districts and uses. Staff is recommending alternative compliance for this condition as the parking lot is already paved, and the parking area is gated more than 7 feet away from the east (rear) property line.
- Seven feet of landscaping is required between the surface parking lot and the residential use to the north and between the parking area and the public street of 16th Ave S. The applicant is proposing 5 feet of landscaping in both locations. Staff is recommending granting alternative compliance for this reduction along the residential property to the north because further reducing the drive aisle or parking lot length to accommodate more landscaping would compromise maneuverability in the parking lot. However, staff has determined that up to 12 feet of landscaping can be provided between the property and the lot frontage along 16th Ave S and is recommending that the applicant do so as a condition of approval.
- One corner created by the parking configuration will be landscaped, the other will be used for a trash enclosure.
- All surface parking stalls are proposed to be within 50 feet of an on-site tree.
- All areas not occupied by buildings, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **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:

- Wheel stops or discontinuous curbing will be used for on-site filtration of stormwater. This is not shown on the submitted plans and staff is recommending it as a condition of approval.
- Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.
- Headlights should not cause a problem with any nearby residential uses because of the screening proposed on the northern property line and the orientation of the parking spaces. The parking layout is such that headlights should never be pointed east toward the residences across the alley.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site.

Alternative Compliance: The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Conformance: Staff is recommending alternative compliance for the following items:

- Only 11% of the site is being proposed as landscaping. Staff recommends granting alternative compliance if this number is increased to 13%, which can be done without losing any parking spaces. As an alternative the providing the required landscaping, staff is recommending that the applicant repair the existing mural facing the Midtown Greenway or commission a new mural. Such a mural would improve the appearance of the building and provide a better visual connection between property and the Greenway, which are goals, in part, of the landscaping requirement. The repaired or new mural will be maintained by the applicant. .
- The applicant is only providing five feet of landscaping between the parking lot and the residential use to the north, where seven feet are required. Staff is recommending alternative compliance in this case because of the narrow lot width for the parking purpose and the fact that

the parking will be screened to the north. The adjacent residential property is more than 10 feet from the property line.

- Staff is recommending alternative compliance for the lack of landscaping and screening required between the parking lot and the alley to the east as the parking lot is already paved, and the parking area is gated more than 7 feet away from the east (rear) property line.

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: An automobile repair facility is permitted by conditional use permit in the I1 District. A parking lot is permitted by conditional use permit in the Transitional Parking Overlay.

Off-Street Parking and Loading: Based on the number of service bays in the building and the remaining square footage of the building, 14 stalls of off-street parking is required. The applicant is requesting a variance to reduce this requirement to 11 stalls.

Maximum Floor Area: The maximum floor area ratio for the I1 district is 2.7. The applicant proposal results in a floor area ratio of 1.1.

Building Height: Building height in the I1 District is limited to 4 stories or 56 feet, whichever is less. The existing building has two stories and is 22 feet high.

Minimum Lot Area: There are no minimum lot dimension requirements in the I1 District.

Yard Requirements: There setback requirements on the front and side (north) property lines of 2841 16th Ave S because of its adjacency to a residential use to the north. The interior side (north) setback is 7 feet, which is being met as parking is a permitted obstruction in an interior side yard. The front yard setback is 17 feet, which matches the residence to the north, and the applicant is requesting a variance to reduce this as parking is not a permitted obstruction in a front yard.

Specific Development Standards: The following specific development standards apply to a minor automobile repair use:

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

from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.

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

Hours of Operation: The proposed uses will only be open to the public between the permitted hours or 6 am to 10 pm Sunday through Thursday and 6 am to 11 pm Friday and Saturday.

Signs: No new signs are proposed at this time. Any new signs proposed will need a sign permit and a public hearing if not in compliance with Chapter 543 of the zoning code.

Refuse storage: All storage of refuse and recyclable materials will be located in a dumpster enclosure in the rear of the site adjacent to the alley.

Minneapolis Plan: See finding #1 of the rezoning.

RECOMMENDATIONS:

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the zoning amendment change to add a Transitional Parking Overlay (TPO) to the existing R2B zoning at 2841 16th Ave S:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the application for a zoning amendment to add a Transitional Parking Overlay to the existing R2B zoning at 2841 16th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a parking lot at 2841 16th Ave S:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a parking lot at 2841 16th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a minor automobile repair use at 2841 and 2845 16th Ave S:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a minor automobile repair use at 2841 and 2845 16th Ave S, subject to the following condition:

1. The applicant will meet the specific development standard in section 536.20 of the zoning code.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the parking requirement from 14 to 11 on-site spaces:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the number of required parking stalls from 14 to 11 spaces at 2941 and 2945 16th Ave S.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the front yard setback from 17 to 5 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the front yard setback from 17 to **12** feet.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance to reduce the drive aisle width from 22 to 19 feet:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a variance to reduce the drive aisle width from 22 to 19 feet.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Site Plan Review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a site plan review at 2841 and 2845 16th Ave S, subject to the following conditions:

1. Any changes to site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.
2. The four large openings facing the alley will be more permanently covered in a durable material that is compatible with the existing building's exterior.
3. Landscaping will be provided for 12 feet between the parking lot and the public right of way facing 16th Ave S.
4. A minimum of 13% of the net site will be landscaped.
5. At least one tree will be located between the parking lot and the public street as required by section 530.170(b)(3).
6. Shrubs will be located between the parking lot and the residential property to the north as required in section 530.160(c) of the code.

7. A new 6 foot wooden fence will be provided between the parking lot and the residential property to the north up to the required front yard setback, which is 17 feet. The western 17 feet of such fence must be no more than 3 feet high.
8. A minimum of 13 shrubs will be provided on site.
9. Wheel stops or discontinuous curbing will be used to provide on-site filtration of stormwater.
10. The existing mural facing the Midtown Greenway will be repaired or a new mural will be created. The applicant will maintain the mural.
11. CPED Planning staff review and approval of the final site and landscaping plans.
12. All site improvements shall be completed by October 20, 2007, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments:

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