Department of Community Planning and Economic Development – Planning Division
Expansion of a Nonconforming Use, Variances and Site Plan Review
BZZ-3075

Date: August 28, 2006

Applicant: Cedar Petroleum Inc.

Address of Property: 1700 East Lake Street

Project Name: Stop-N-Shop

Contact Person and Phone: Jack Ovick, (612) 998-4890

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: July 14, 2006

End of 60-Day Decision Period: September 12, 2006

End of 120-Day Decision Period: On August 21, 2006, staff sent the applicant a letter extending the decision period no later than November 11, 2006.

Ward: 9

Neighborhood Organization: East Phillips Improvement Coalition

Existing Zoning: C2 Neighborhood Corridor Commercial and PO Pedestrian Oriented Overlay Districts

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Legal Description: Not applicable for this application

Proposed Use: Car wash and automobile convenience facility.

Concurrent Review:

Expansion of a nonconforming use to allow an expansion of a car wash.

Variance of the standards of the Pedestrian Oriented Overlay District to allow the building addition to be located more than 8 feet from a lot line adjacent to a street.

Variance of the standards of the Pedestrian Oriented Overlay District to allow 2 new parking spaces to be located adjacent to the street intersection rather than the interior or rear of the site.

Variance of the standards of the Pedestrian Oriented Overlay District to reduce the minimum amount of windows required on the east building facade of the addition.

Site plan review to allow an expansion of an existing car wash and automobile convenience facility.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits; Chapter 525, Article IX, Variances, Section 525.520 (20) "To vary the standards of any overlay district, other than the SH Shoreland Overlay District or the FP Floodplain Overlay District"; and Chapter 530 Site Plan Review.

Background: This item was continued from the August 14, 2006 City Planning Commission meeting to allow staff to discuss existing zoning violations identified in this report with the applicant. The applicant has provided photos that are attached to this report showing that some temporary signage has been removed and no parking signs were posted adjacent to the underground storage tanks.

An automobile convenience facility with a car wash exists at the property of 1700 East Lake Street. The property is located on the north side of Lake Street and extends from 17th Avenue South to 18th Avenue South. Residential uses are located to the north of the site. An alley is also located to the north of the site, but only abuts the property on the east half of the site. The owner is proposing to expand the car wash by constructing an addition on the east side of the building. Four stacking lanes serving the car wash would replace a row of parking. Additional parking is proposed at the southeast corner of the site.

The building was constructed in 1997. The Planning Commission took the following actions on June 4, 1997:

1716 E. Lake St. (8th Ward—PR-370)
Application of Tyron Springs (Amoco) for a service station. (Staff, Francis Aihe)

Motion: The City Planning Commission adopted the findings prepared by staff and **approved** the application subject to the following conditions:

1) The applicant shall police properties within 100' radius of the site on a daily basis including the immediately adjacent streets and alley for litter and debris;
2) The final landscaping plan shall be approved by the Planning Department;
3) The demolition of the historic structure on the property shall be approved by the HPC;
4) The potential road icing condition due to the proximity of the proposed car wash exit to the East Lake Street and 17th Avenue South intersection shall be mitigated through the provision of:
   (a) A minimum of one percent ascending grade from the car wash exit door to 17th Avenue South,
   (b) Installation of a drain under the heated exit apron to prevent drainage to 17th Avenue,
   (c) Installation of a mandatory blower directed onto the vehicles upon completion of the wash cycle,

(d) A delay of at least 60 seconds from the end of the wash cycle and exit of the vehicle when the ambient temperature is 32 degrees or below.

The site is not in compliance with the final approved plan. Parking spaces were striped over the fuel tanks and an outdoor trash enclosure and vacuum facility were added without amending the plan. Several other zoning violations exist on the site:

- The amount of window signs exceeds the 30 percent of the window area, whether attached to the window or not, allowed by the zoning code and block views into and out of the building at eye level.

- Temporary signs are posted throughout the site including on the building, a light pole, the service canopy, the fence and the posts of the freestanding sign. Sign permits are required for all temporary signs. City records show that no permits have been issued for any temporary sign.

- In the original site plan approval, refuse was enclosed in the building. Since that time, an enclosure made of chain-link with slats has been constructed on the west side of the building to contain refuse. The current zoning code prohibits slats in chain link.

- A 6-foot high wood fence exists along the alley. Several boards in the fence have been damaged. The zoning code requires all fences to be repaired and maintained.

These violations must be corrected whether or not this site plan review application is approved.

The site is located in the C2 district and the PO overlay districts. Although automobile convenience facilities and car washes are conditional uses in the C2 district, they are prohibited in the PO overlay district. The PO overlay was adopted by the City Council in January of 2005 as part of a rezoning study for the Hiawatha/Lake Station Area Master Plan. Because the uses were established before the overlay district was placed on the site, the uses are legally nonconforming. Any expansion of a nonconforming use requires authorization from the planning commission.

The proposal does not comply with several standards of the PO overlay district. The applicant has requested variances of the standards of the Pedestrian Oriented Overlay District to allow the building addition to be located more than 8 feet from a lot line adjacent to a street, to allow 2 new parking spaces to be located adjacent to the street intersection rather than the interior or rear of the site, and to reduce the minimum amount of windows required on the east building facade of the addition.

Automobile services uses are subject to site plan review if they are newly established or expanded.

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

EXPANSION OF A NONCONFORMING USE:

Findings as Required by the Minneapolis Zoning Code for the Expansion of a Legal Nonconforming Use:

(1) A rezoning of the property would be inappropriate.

The site is zoned C2 with a Pedestrian Oriented Overlay. The PO Overlay was adopted by the City Council on January 14, 2005 through a rezoning study. The rezoning study was conducted for the Hiawatha/Lake Station Area. A rezoning of the property would not be appropriate.

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

The uses directly to the south, east and west are nonresidential; however, they are separated from the subject site by streets. The other uses on the block are primarily low density residential, including adjacent properties. Automobile related uses are not typically compatible with residential uses because they produce more traffic, noise, and odors than other nonresidential uses. The proposed addition would be located 23 feet from the closest residential property. Stacking spaces and an outdoor vacuum would be located south of the alley. An existing six foot high wood fence and a hedge would provide screening between the alley and the addition, stacking spaces and vacuum. Although screening is provided as a buffer, it does not likely block all noise and odors from the nearby residences.

(3) The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.

The expansion of the non-conforming use would result in an increase of adverse off-site impacts. The applicant would likely not make the proposed investment in the expansion of the car wash without an expectation that the addition would attract additional customers and vehicular traffic. The site has vehicle access from 18th Avenue and Lake Street. Vehicles exiting the car wash must exit to 17th Avenue. Seventeenth and 18th Avenues are primarily residential streets. Additional commercial traffic could increase conflicts with residential and pedestrian traffic. The expansion could also increase the amount of noise and odors. The proposed stacking spaces would be located in an area formerly occupied by a row of parking spaces. Vehicles waiting to use the car wash would be idling, which produces additional exhaust. Further, vacuum facilities would be located closer to the alley, which is also closer to the residential property across the alley. Please note: the existing vacuum facilities were not approved as part of the site plan from 1997. The adjacent residential uses would likely be most affected by these impacts.

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

Changes to the property include expanding the building and the parking area, narrowing the curb cut on 18th Avenue, and implementing the landscaping plan that was approved in 1997. Although the narrowing of the curb cut and providing landscaping are improvements to the site, they will not likely improve the stability of the neighborhood. The Hiawatha/Lake Station Area rezoning study conducted in 2005 added the Pedestrian Oriented Overlay District to properties along Lake Street up to 17th Avenue to encourage traditional urban design and to prohibit the establishment of automobile oriented uses and other uses considered undesirable in an area with close proximity to a transit station area. The expansion would not coincide with the City's policies for transit oriented development along this section of Lake Street.

(5) In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.

No dwelling units are proposed or existing.

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

The property is not located in the Floodway District.

VARIANCES: 1) to allow the building addition to be located more than 8 feet from a lot line adjacent to a street in the Pedestrian Oriented Overlay District; **2)** to reduce the minimum amount of windows required on the east building facade of the addition in the Pedestrian Oriented Overlay District; and **3)** to allow 2 new parking spaces to be located adjacent to the street intersection rather than the interior or rear of the site in the Pedestrian Oriented Overlay District.

Findings as required by the Minneapolis Zoning Code:

1. The property can not be put to a reasonable use under the conditions allowed by the official controls and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Building Addition Location: All first floor building walls are required to be within 8 feet of a lot line adjacent to a street in the Pedestrian Oriented Overlay District. The proposed addition would be located approximately 88 feet from Lake Street and 129 feet from 18th Avenue. The building was built with a carwash located at the interior of the site. The addition would extend the existing carwash. Although existing conditions impact where the addition can be located, staff does not believe the proposal complies with all of the required findings for an expansion of a nonconforming use.

Windows: In the PO district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows that allow views into and out of the building at eye level. Although the walls of the proposed addition facing 18th Avenue would be

set back approximately 129 feet from 18th Avenue, the requirement applies. On this façade, at least 53.3 square feet of windows are required. No windows are proposed. The entrance door to the carwash occupies most of the 16.8 foot wide façade. The applicant has indicated that the material of the door would be translucent acrylic polycarbonate. The existing elevation facing 18th Avenue contains more than 40 percent windows. Although this is a reasonable request for a variance, staff is recommending denial based on the recommendations of the other applications (expansion of nonconforming use, variances for the building and parking placement, and site plan review) affecting the proposed addition.

Parking Location: A minimum parking requirement is 10 spaces. Nine spaces would be provided. Four bike spaces are proposed in lieu of the tenth parking space. Currently 14 spaces exist on-site. The required stacking spaces for the car wash would be located where 7 parking spaces exist. The applicant has proposed to locate two parking spaces at the southeast corner of the site adjacent to the Lake Street and 18th Avenue intersection to meet the minimum requirement. In the PO district, all surface parking spaces are required to be located to the rear or interior side of the site. The areas left to provide parking are limited because of the existing layout of the site and additional stacking requirements for the proposed addition. Also, Fire Department regulations would likely prohibit parking over the underground fuel tanks. Two 90 degree parking spaces placed parallel to Lake Street could be located between the curb cuts on Lake Street without interfering with stacking requirements for the gas pumps. Although they are not at the interior side or rear of the site, they are more interior than the proposed spaces at the corner. They also would not displace existing landscaping. Although existing conditions impact where parking can be located, staff does not believe the proposal complies with all of the required findings for an expansion of a nonconforming use.

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.**

Building Addition Location: The building was built with a carwash located at the interior of the site. The addition would extend the existing carwash. The site abuts three streets. Unless the building occupies almost the entire site, the requirement cannot be met. These circumstances have not been created by the owner.

Windows: The site abuts three streets. Therefore, three sides of the building are subject to the requirement. The existing use is nonconforming because of its location in a PO Overlay District. These circumstances have not been created by the owner.

Parking Location: The site abuts three streets. To comply with the parking location requirement, all parking must be located on the north half of the site. Most of this area would be occupied by the building and stacking spaces for the car wash. The increased parking and stacking requirement for the expansion plus the removal of 7 parking spaces have created the need for a variance. The circumstances have been 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 purpose of the PO Pedestrian Oriented Overlay District in the Lake Street/Midtown LRT Station area is to preserve and encourage the pedestrian character of commercial areas and to promote street life and activity by regulating building orientation and design and accessory parking facilities, and by prohibiting certain high impact and automobile-oriented uses.

Building Addition Location: The addition would not add any pedestrian character or street life because it would be located far from both streets. The other uses on the block are primarily low density residential, including adjacent properties. Automobile related uses are not typically compatible with residential uses because they produce more traffic, noise, and odors than other nonresidential uses. The proposed addition would be located 23 feet from the closest residential property. As a result of the proposed addition, stacking spaces and an outdoor vacuum would be located closer to the residence on the north side of the east/west alley. There may be an increased amount of noise with the expansion and vacuum location. Vehicles waiting to use the car wash would be idling, which produces additional exhaust. An existing six foot high wood fence and a hedge would provide screening between the alley and the addition, stacking spaces and vacuum. Although screening is provided as a buffer, it does not likely block all noise and odors from the nearby residences. The expansion could have a negative effect on nearby residential properties.

Windows: The addition would not add any pedestrian character or street life because it would be located far from 18th Avenue. However, not meeting the window requirement on a 16 foot wide wall should have little or no effect on nearby properties.

Parking Location: The proposed parking would not add any pedestrian character or street life. It would displace landscaping at the intersection of Lake Street and 18th Avenue. This is not in keeping with the intent of the ordinance.

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.

Building Addition Location: Traffic coming and going from the site may increase as a result of the addition. The site has vehicle access from 18th Avenue and Lake Street. Vehicles exiting the car wash must exit to 17th Avenue. Seventeenth and 18th Avenues are primarily residential streets. Additional commercial traffic could increase conflicts with residential and pedestrian traffic.

Windows: The CPED Department does not expect that granting the variance would affect congestion or public safety.

Parking Location: Although the two spaces located at the corner would likely have little effect on congestion, traffic coming and going from the site could increase as a result of the expansion. Additional commercial traffic could increase conflicts with residential and pedestrian traffic.

SITE PLAN REVIEW

Findings as required by the Minneapolis Zoning Code for the 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.**

The existing building is near the corner of Lake Street and 17th Avenue. The main pedestrian entrance faces the interior of the site. Pedestrian access and circulation would not be affected by the proposed changes. The addition would not contribute to a street wall along Lake Street or 18th Avenue because it is an expansion of an existing carwash located at the interior of the site. The south elevation of the addition would contain an abundant amount of windows allowing views into and out of the carwash.

All first floor building walls are required to be within 8 feet of a lot line adjacent to a street. This is also a required standard in the Pedestrian Oriented Overlay District. The existing setback of the building along Lake Street is 6.4 feet and 20 feet along 17th Avenue. The proposed addition would be located approximately 88 feet from Lake Street and 129 feet from 18th Avenue. Alternative compliance is required where the building additions are setback more than 8 feet from a lot line adjacent to a street. A variance is also required to comply with the requirements of the PO district. The building was built with a carwash located at the interior of the site. The addition would extend the existing carwash. Although existing conditions impact where the addition can be located, staff does not believe the proposal complies with all of the required findings for an expansion of a nonconforming use or a variance. For these reasons, alternative compliance should not be granted.

The area between the building addition and the front lot lines includes the parking area and landscaping.

An existing principal entrance is oriented toward the interior of the site. No additional entrances are proposed.

The surface parking area exists to the east of the building.

All walls of the building addition would contain sufficient architectural detail.

Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements would not exceed 25 feet in width in length on the addition.

The materials of the existing building are brick, rock-face concrete block and glass with a metal awning. The exterior materials for the addition would be brick, rock-face concrete block and glass.

The addition walls would be compatible with the existing walls.

Plain face concrete block would not be used as a primary exterior building material.

The principal entrance would remain on the wall facing the parking and gas pump area. It is surrounded by windows and sheltered by an awning.

In the PO district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows, whereas only 30 percent is required for the site plan review. The south elevation of the addition would contain 384 square feet of windows, or 80 percent, exceeding the minimum requirement of the PO district and site plan review chapter. The east elevation would not contain any windows. On this façade, at least 53.3 square feet of windows are required in the PO district. The applicant has requested a variance. The entrance door to the carwash occupies most of the 16.8 foot wide façade. The applicant has indicated that the material of the door would be translucent acrylic polycarbonate. Although staff thought the request for the variance was reasonable, staff is recommending denial based on the recommendations of the other applications (expansion of nonconforming use, variances for the building and parking placement, and site plan review) affecting the proposed addition. For these reasons, alternative compliance should not be granted.

All windows would be vertical in proportion and evenly distributed. The applicant has indicated that the visible light transmittance ratio would be 0.6 or higher.

A flat roof is proposed. Many nonresidential buildings in the area also have flat roofs.

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.**

An existing 5 foot wide walkway connects the building entrance to the sidewalk and parking area.

A transit shelters will be located in the right-of-way near the Lake Street and 17th Avenue intersection once the Lake Street reconstruction project is completed. This area is well lit by street lights.

Vehicle access occurs from Lake Street through two curb cuts, from 18th Avenue through one curb cut, and from 17th Avenue from one exit-only curb cut. The area along Lake Street is predominantly commercial. Seventeen Avenue and 18th Avenue are primarily residential streets. The applicant is proposing to reduce the width of the 18th Avenue curb cut from 37 feet to 26 feet. The design of vehicle access should not increase conflicts with pedestrian or residential traffic.

The site is adjacent to an alley; however, alley access is not proposed.

Approximately 73 percent of the site is covered by impervious surfaces. The amount of impervious surface would increase by approximately 3 percent. The building, service areas, parking and loading occupy these areas. Landscaping would be removed to accommodate the required stacking spaces at the north end of the site. It would also be removed at the southeast corner of the site where two new parking spaces are proposed. If those required spaces were located between the two curb cuts on Lake Street and oriented parallel to Lake, then less imervious surface area would be created. Staff does not believe alternative compliance is warranted for this requirement.

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.**

The zoning code requires that a least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 32,877 square feet. The footprint of the building is 2,142 square feet. When you subtract the footprint from the lot size the resulting number is 30,735 square feet. Twenty percent of this number is 6,147 square feet. The applicant has a total of 8,723 square feet, or 26.5 percent of the site landscaped.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 13 and 62 respectfully. The applicant is providing a total of 10 trees (4 canopy trees, one pine tree, and 5 ornamental trees) and 95 shrubs. The remainder of the landscaped area is covered in grass. Three additional trees could be provided to meet the requirement. Not all of the proposed trees are canopy trees. The ornamental or pine trees would be an acceptable alternative if they are not located between the parking area and the street.

Screening and landscaping is required between all areas where vehicles may be located and a public street:

A 7-foot wide landscaped yard is required along Lake Street. A 5-foot yard exists except in the southeast corner where two parking spaces are proposed. The yard would be reduced from 15 feet to 5 feet in this location. Providing a 7-foot yard would result in the loss of at least one parking space and would gain only 172 square feet of landscaping. Staff believes it is reasonable to grant alternative compliance to allow the existing 5-foot yards to remain. Staff does not believe alternative compliance is warranted for the southeast corner because those spaces could be located between the Lake Street curb cuts. Screening that is 3 feet high and 60 percent opaque is also required along Lake Street in the landscaped yards. The plan indicates that Hardy Shrub Roses would be located between the two curb cuts. This species can grow up to 6 feet in height and would be inappropriate for this location. No screening is proposed on the other sides of the curb cut. Staff does not believe alternative compliance is warranted for this requirement.

Screening and landscaping is required along 18th Avenue as well. A 20-foot wide yard would be provided. Some landscaping is proposed to provide screening; however, it is not 3 feet in height and 60 percent opaque. On the north side of the curb cut, the proposed Hardy Shrub Roses would again exceed the height required. Additional plants would need to be provided to meet the opacity requirement south of the curb cut. Staff does not believe alternative compliance is warranted for the screening requirement.

Screening and landscaping is required between all areas where vehicles may be located and adjacent residential properties or residential properties located across an alley:

A residential property is located across the alley, therefore a 7 foot yard with screening is required between the carwash stacking area and the alley. The screening is required to be 95 percent opaque and six feet high. A 10 foot wide yard exists. A 6-foot high wood fence and a hedge row of arborvitae also exist along the alley providing sufficient screening. Several boards in the fence have been damaged. The fence should be repaired.

Not less than one tree is required for every 25 linear feet of parking and loading area lot frontage. Four trees are required along Lake Street. No trees are proposed. Four trees are required along 18th Avenue. Two trees are proposed. Landscaped yards would be provided along both streets with sufficient room for trees. Staff does not believe alternative compliance is warranted.

Canopy trees are also required to be planted within 50 feet of every parking space. Five spaces would not be within 50 feet of an on-site deciduous tree. These spaces are located next to the building, north of the public sidewalk. If trees are required in the landscaped yard along Lake Street, alternative compliance is no longer necessary. Staff does not believe alternative compliance is warranted.

The areas not covered by required landscaping would be covered with turf grass.

Installation and maintenance of all landscape materials must comply with the standards outlined in section 530.210.

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.**

Continuous concrete curbing would be provided. Several sections of existing curbing would be removed to expand the parking area and reduce the width of the 18th Avenue curb cut. Installing discontinuous curbing in these areas would allow for more onsite stormwater retention with proper grading.

The lighting must comply with Chapter 535 and Chapter 541 of the zoning code including:

535.590. Lighting. *(a) In general*. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance.

(b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

(1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).

(2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.

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

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

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

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

Screening would be provided along the alley that would prevent headlight glare onto adjacent residential properties.

No changes are proposed that would affect views of important elements of the city, shadow adjacent properties, or generate wind currents.

The proposed landscape plan should include more crime prevention design elements. Along the streets, the proposed landscaping does not follow the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site. This rule should be followed to allow natural surveillance and visibility.

The existing structure is not historic or eligible for designation.

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: Although automobile convenience facilities and car washes are conditional uses in the C2 district, they are prohibited in the PO overlay district. Because the uses were established before the overlay district was placed on the site, the uses are legally nonconforming. Any expansion of a nonconforming use requires authorization from the planning commission.

The proposal does not comply with several standards of the PO overlay district. The applicant has requested variances of the standards of the Pedestrian Oriented Overlay District to allow the building addition to be located more than 8 feet from a lot line adjacent to a street, to allow 2 new parking spaces to be located adjacent to the street intersection rather than the interior or rear of the site, and to reduce the minimum amount of windows required on the east building facade of the addition.

Off-Street Parking, Stacking and Loading: For an automobile convenience facility use, the zoning code requires one space per 300 square feet of gross floor area. The gross floor area of the existing building is approximately 2,500 square feet. Therefore, 8 spaces are required for the automobile convenience facility. For a car wash, one space is required for every 20 feet of wash line. The length of the car wash would be 106 feet, therefore 5 spaces are required. In a pedestrian oriented overlay district within transit station area, nonresidential uses are only required to provide 75 percent of the number of spaces specified by Chapter 541, Off-Street Parking and Loading. A total of 13 spaces are required by Chapter 541, Off-Street Parking and Loading. Seventy-five percent of that requirement is 10 spaces. Nine spaces would be provided including one handicap accessible space. The handicap accessible space must be van accessible. A van accessible space is at least 18 feet deep and 16 feet wide. The accessible space proposed is less than 15 feet in width. The other parking spaces adjacent to the accessible space exceed the minimum width requirement by 6 inches to meet the requirement. The Pedestrian Overlay District also requires at least 2 bike parking spaces. The applicant is providing 4 bike spaces in lieu of the tenth parking space. The bike spaces would be located between the building and Lake Street.

Stacking spaces are required for the carwash. Three stacking spaces are required for every 20 feet of wash line. The length of the wash line would be 106 feet; therefore 16 stacking spaces are required. Sixteen stacking spaces would be provided.

The use is required to provide adequate shipping and receiving facilities, accessible by an open

space on the same zoning lot. A loading space is provided in the northwest corner of the parking area.

Maximum Floor Area: The maximum FAR in the C2 District is 1.7. A floor area ratio of 0.18 is proposed.

Building Height: The maximum building height allowed in the C2 District is limited to 4 stories or 56 feet, whichever is less. A one story building exists. A one story addition is proposed.

Minimum Lot Area: The C2 District requires not less than 12,000 square feet of lot area and a minimum lot width of 100 feet for an automobile service use with fuel pumps or a car wash. The site is 32,877 square feet in area and is greater than 100 feet in width.

Yard Requirements: A front yard is only required in the C2 district when a site is adjacent to a residential district or a residential property. The R2B district exists to the north of the site. The minimum front yard requirement is equal to the lesser of the front yard required by such residence district or the established front yard of such residential structure for the first 40 feet from such residential property or residence district boundary. There are no changes proposed on the site that would affect the front yard requirement.

An interior side yard is required where the lot line abuts the adjacent residential property on 17th Avenue. The minimum interior side yard requirement is equal to 5+2x, where x is equal to the number of stories above the first floor. A one-story building is proposed, therefore the minimum requirement is 5 feet. The building addition would be set back 23 feet from the side lot line.

Specific Development Standards: Chapter 536, Specific Development Standards, requires the following for an automobile convenience facility:

(1) The sale or repair of vehicles shall be prohibited.

(2) 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.

(3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.

(4) 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.

(5) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Chapter 536, Specific Development Standards, requires the following for a car wash:

(1) Water from the car wash shall not drain across any sidewalk or into a public right-of-way.

(2) Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.

(3) All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.

(4) 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.

The outdoor vacuum facilities would be relocated as a result of the building addition. The applicant has indicated the new location would be to the north of the stacking space area 5 feet closer to the alley than the existing location. It would be approximately 27 feet from the residence to the north. An outdoor vacuum facility was not approved as part of the original site plan review. The proposed location would likely negatively effect nearby residential uses with noise and would not meet the intent of the code.

Hours of Operation: 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.; Friday and Saturday from 6:00 a.m. to 11:00 p.m. The existing hours of operation are as follows: 6:00 a.m. to 11:00 p.m. Sunday through Thursday and 6:00 a.m. to 12:00 a.m. Friday and Saturday. These hours were established before the code requirements changed, therefore the use has nonconforming rights to these hours.

Signs: Signs are subject to Chapters 531, 543 and 551 of the Zoning Code. Any new signs are required to meet the requirements of Chapter 543 of the zoning code. Some window signs are posted. Window signs are allowed by the zoning code, provided that such signage does not exceed 30 percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Temporary signs are posted throughout the site including on the building, a light pole, the service canopy, the fence and the posts of the freestanding sign. Temporary signs are allowed by the zoning code, provided that they are not in place more than 60 days during any calendar year. They are exempt from the calculation of total permanent sign area allowed on the site, but must meet the same dimensional, locational, total sign area and other applicable regulations for permanent signs. Sign permits are required for all temporary signs. City records show that no permits have been issued for any of the temporary signs.

Refuse Screening: Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. In the original site plan approval, refuse was enclosed in the building. Since that time, an enclosure made of chain-link with slats has been constructed on the west side of the building to contain refuse. The current zoning code prohibits slats in chain link.

Surfacing of Driveways: All parking areas and driveways leading to areas where vehicles may be located are required to be surfaced with an all-weather hard surface material, such as

concrete, asphalt, or brick. At the northwest corner of the property, an occupant of the residence to the north is using the 18th Avenue curb cut for vehicle access. The curb cut is located 25 feet from the adjacent property. A driveway does not connect the curb cut to the residential property resulting in vehicles driving across the sidewalk and turf on the subject site. Although this is not a violation associated with the subject property, the applicant is could install a fence and/or shrubs to prevent this illegal practice.

MINNEAPOLIS PLAN: *The Minneapolis Plan* designates this part of Lake Street as a commercial corridor. The Lake Street/Midtown LRT station is designated on the land use map as a Transit Station Area (TSA). The boundaries of TSAs are not precisely delineated, but in general they are approximately within a ½ mile radius of transit stations. The proposed development is in this radius. The following policies of the *Minneapolis Plan* are relevant:

4.3 Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.

Applicable Implementation Steps

Support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.

Ensure that commercial uses do not negatively impact nearby residential areas.

Regulate impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas.

Reduce the impact of non-residential uses on neighboring residential areas by considering appropriate access, buffering between incompatible uses and regulating hours of operation.

Staff comment: Screening and landscaping would be provided between the site and the residential uses to the north. However, the expansion of the non-conforming use would likely result in an increase of adverse off-site impacts. The applicant would likely not make the proposed investment in the expansion of the car wash without an expectation that the addition would attract additional customers and vehicular traffic. The site has vehicle access from 18th Avenue and Lake Street. Vehicles exiting the car wash must exit to 17th Avenue. Seventeenth and 18th Avenues are primarily residential streets. Additional commercial traffic could increase conflicts with residential and pedestrian traffic. The expansion could also increase the amount of noise and odors. The proposed stacking spaces would be located in an area formerly occupied by a row of parking spaces. Vehicles waiting to use the car wash would be idling, which produces exhaust. Further, vacuum facilities would be located closer to the alley, which is also closer to the residential property across the alley. Please note: the existing vacuum facilities were not approved as part of the site plan from 1997. The adjacent residential uses would likely be most affected by these impacts. For these reasons, the proposal is not consistent with the goals of the comprehensive plan.

4.18 Minneapolis will encourage both a density and mix of land uses in TSAs that both support ridership for transit as well as benefit from its users.

Applicable Implementation Steps

Discourage automobile services and drive-through facilities from locating or expanding in these designated areas.

Staff comment: The car wash is an existing use. In January of 2005, the PO overlay zoning district was added to the property to discourage expansion. In this district, automobile related uses are prohibited, therefore the existing use is nonconforming.

9.37 Minneapolis will require design standards for TSAs that are oriented to the pedestrian and bicyclist and that enforce traditional urban form.

Applicable Implementation Steps

Ensure that TSA building and site design is oriented to the pedestrian (e.g., reinforcing street walls, anchoring street corners, creating semi-public outdoor spaces, creating visual interest, providing adequate fenestration, and ensuring that principal building entrances open onto public sidewalks).

Ensure that new development and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED) (See description of building form and context in *Chapter 9, City Form*.)

Staff comment: The proposed addition would be located approximately 88 feet from Lake Street and 129 feet from 18th Avenue. It would not reinforce the street wall. Windows on the south elevation would allow views into and out of the addition; however, it is unlikely that it would add to the pedestrian experience on Lake Street. Landscaping would be provided between the parking area and Lake Street and 18th Avenue. The proposed landscaping does not follow the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site.

9.39 Minneapolis recognizes that parking is a necessary part of the urban environment, but will limit the amount, location, and design of parking in TSAs in order to encourage and support walking, bicycling, and transit use.

Applicable Implementation Steps

Restrict the location of off-street parking for new development to the side or rear of buildings, so that there are direct connections between the public sidewalk and the principal entrances of buildings.

Limit the amount of street frontage for new off-street parking lots and require landscaping between parking lots and public sidewalks.

Staff comment: To maintain compliance with the minimum parking requirement, the applicant has proposed to locate to parking spaces at the southeast corner adjacent to the Lake Street/18th Avenue intersection. The proposal expands the existing parking area to accommodate the two

spaces. Because the site has frontage on three streets, the parking area would have to be located on the north half of the site in order for its location to be considered the interior of the site. Most of this area is already occupied by the building. The proposed expansion and stacking spaces would occupy the rest of the interior of the site. Most of the frontage on Lake Street and 18th Avenue would be occupied by the parking area. Landscaping would be provided; however, it does not meet the minimum screening requirements of the site plan review chapter. The proposed expansion would not be in keeping with these policies of the comprehensive plan.

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

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

Alternative compliance is requested by the applicant to meet the following standards:

- Location of the building within 8 feet of a lot line adjacent to a street

  All first floor building walls are required to be within 8 feet of a lot line adjacent to a street. This is also a required standard in the Pedestrian Oriented Overlay District. The proposed addition would be located approximately 88 feet from Lake Street and 129 feet from 18th Avenue. Alternative compliance is required where the building additions are setback more than 8 feet from a lot line adjacent to a street. A variance is also required to comply with the requirements of the PO district. The building was built with a carwash located at the interior of the site. The addition would extend the existing carwash. Although existing conditions impact where the addition can be located, staff does not believe the proposal complies with all of the required findings for an expansion of a nonconforming use or a variance. For these reasons alternative compliance should not be granted.

- Window requirement

  In the PO district, at least 40 percent of the first floor façade of any nonresidential use that faces a public street or sidewalk must be windows, whereas only 30 percent is required for the site plan review. The south elevation of the addition would contain 384 square feet of windows, or 80 percent, exceeding the minimum requirement of the PO district and site plan review chapter. The east elevation would not contain any windows. On this façade, at least 53.3 square feet of windows are required in the PO district. The applicant has requested a variance. The entrance door to the carwash occupies most of the 16.8 foot wide façade. The applicant has indicated that the material of the door

would be translucent acrylic polycarbonate. Although staff thought the request for the variance was reasonable, staff is recommending denial based on the recommendations of the other applications (expansion of nonconforming use, variances for the building and parking placement, and site plan review) affecting the proposed addition. For these reasons, alternative compliance should not be granted.

- Reduction of impervious surface

  Approximately 73 percent of the site is covered by impervious surfaces. The amount of impervious surface would increase by approximately 3 percent. The building, service areas, parking and loading occupy these areas. Landscaping would be removed to accommodate the required stacking spaces at the north end of the site. It would also be removed at the southeast corner of the site where two new parking spaces are proposed. If those required spaces were located between the two curb cuts on Lake Street and oriented parallel to Lake, then less imervious surface area would be created. Staff does not believe alternative compliance is warranted for this requirement.

- Minimum number of trees requirement

  The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 13 and 62 respectfully. The applicant is providing a total of 10 trees (4 canopy trees, one pine tree, and 5 ornamental trees) and 95 shrubs. The remainder of the landscaped area is covered in grass. There is sufficient room to provide the three additional trees to meet the requirement. Staff does not believe alternative compliance is warranted for the number of trees required. Not all of the proposed trees are canopy trees. The ornamental or pine trees would be an acceptable alternative if they are not located between the parking area and the street.

- Landscaping and screening of areas where vehicles may be located

  A 7-foot wide landscaped yard is required along Lake Street. A 5-foot yard exists except in the southeast corner where two parking spaces are proposed. The yard would be reduced from 15 feet to 5 feet in this location. Providing a 7-foot yard would result in the loss of at least one parking space and would gain only 172 square feet of landscaping. Staff believes it is reasonable to grant alternative compliance to allow the existing 5-foot yards to remain. Staff does not believe alternative compliance is warranted for the southeast corner because those spaces could be located between the Lake Street curb cuts. Screening that is 3 feet high and 60 percent opaque is also required along Lake Street in the landscaped yards. The plan indicates that Hardy Shrub Roses would be located between the two curb cuts. This species can grow up to 6 feet in height and would be inappropriate for this location. No screening is proposed on the other sides of the curb cut. Staff does not believe alternative compliance is warranted for this requirement.

  Screening and landscaping is required along 18th Avenue as well. A 20-foot wide yard would be provided. Some landscaping is proposed to provide screening; however, it is not 3 feet in height and 60 percent opaque. On the north side of the curb cut, the

proposed Hardy Shrub Roses would again exceed the height required. Additional plants would need to be provided to meet the opacity requirement south of the curb cut. Staff does not believe alternative compliance is warranted for the screening requirement.

Not less than one tree is required for every 25 linear feet of parking and loading area lot frontage. Four trees are required along Lake Street. No trees are proposed. Four trees are required along 18th Avenue. Two trees are proposed. Landscaped yards would be provided along both streets with sufficient room for trees. Staff does not believe alternative compliance is warranted.

- Distance of parking spaces to trees

  Canopy trees are also required to be planted within 50 feet of every parking space. Five spaces would not be within 50 feet of an on-site deciduous tree. These spaces are located next to the building, north of the public sidewalk. If trees are required in the landscaped yard along Lake Street, alternative compliance is no longer necessary. Staff does not believe alternative compliance is warranted.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Expansion of Nonconforming Use:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the expansion of nonconforming use application to allow an expansion of a car wash located at the property of 1700 East Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to allow the building addition to be located more than 8 feet from a lot line adjacent to a street in the Pedestrian Oriented Overlay District located at the property of 1700 East Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to allow 2 new parking spaces to be located adjacent to the street intersection rather than the interior or rear of the site in the Pedestrian Oriented Overlay District located at the property of 1700 East Lake Street.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Variance:

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the variance to reduce the minimum amount of windows required on the east building facade of the addition in the Pedestrian Oriented Overlay District located at the property of 1700 East Lake Street.

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the site plan review application for an expansion of an automobile convenience facility located at the property of 1700 East Lake Street.

Attachments:

1. Preliminary Development Review Report
2. Statement of Use
3. Applicant Findings
4. Zoning map
5. Plans
6. Photos
7. Memo