

Department of Community Planning and Economic Development – Planning Division
Site Plan Review & Variance Application
(BZZ-1809)

Date: September 13, 2004

Applicant: Luis Caire, 1616 E. 25th Street, Minneapolis, MN 55404

Address of Property: 3744 15th Avenue South

Project Name: Blanco & Morales Auto Repair, Inc.

Contact Person and Phone: Luis Caire, 1616 E. 25th Street, Minneapolis, MN 55404, 612-290-1701

Planning Staff and Phone: Becca Farrar, 612-673-3594

Date Application Deemed Complete: June 11, 2004

End of 60-Day Decision Period: August 10, 2004. Staff sent the applicant a letter extending the decision period for the Site Plan Review and Variance Application to no later than October 9, 2004.

End of 120-Day Decision Period: October 9, 2004. The applicant has since signed a request for an extension of time limit to no later than December 1, 2004.

Ward: 9 - Gary Schiff **Neighborhood Organization:** Powderhorn Park Neighborhood Assn.

Existing Zoning: C1 (Neighborhood Commercial District)

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 26

Lot Area: 6,372 square feet or .15 acres

Legal Description: Not applicable for this application

Proposed Use: Variance & Site Plan Review Application for automobile repair, minor.

Concurrent Review:

- Variance from the on site parking space requirement from 6 spaces to 4 spaces.
- Major Site Plan review for a minor automobile repair business.

Applicable zoning code provisions: Chapter 530 Site Plan Review, Chapter 525 Article IX, Variances., and Chapter 536, Specific Development Standards.

Background: The applicant, Luis Caire, proposes to locate a 1,152 square foot minor automobile repair shop within an existing building located on the property at 3744 15th Avenue South. The building was formerly occupied by several minor auto repair businesses. The property is zoned C1, which permits minor vehicle repair facilities with a conditional use permit, however, major site plan review and approval is required, as well as a variance for the required on site parking spaces. Zoning Staff has determined that a conditional use permit for minor vehicle repair already exists for the property; therefore, a conditional use permit application is not required at this time.

A parking variance will be required for the site as 6 spaces are required for the minor automobile repair facility and the applicant is only able to provide 4 spaces including one van accessible handicapped parking space.

At the Preliminary Plan Review meeting there were several comments and clarifications required before the applicant would be able to move forward with the project. The applicant has acquired a survey for the property to clear up some of the issues discussed at that meeting. As always, there may be other issues that need to be worked out as plans are circulated through Public Works. The applicant is aware that they will need to continue to work with Public Works throughout the approval process.

Findings Required by the Minneapolis Zoning Code for the Proposed Variance:

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

The use of the building for minor automobile repair is a reasonable use of the building. The applicant contends that strict adherence to the regulations of the zoning ordinance would result in undue hardship because the business would not be permitted if required to comply with the off-street parking requirement.

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

The applicant proposes to locate a business into a building that has always been an automobile repair facility. The site is small and located on a lot that fronts on both 15th Avenue South and East 38th street. The site is only able to accommodate 4 off street parking spaces. This would not be considered a self-imposed hardship as any use of the building would likely require a parking variance, which is unique to this parcel.

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 intent of the ordinance is to provide parking that matches the demand of the uses in the building. Staff believes that the granting of the variance will not be injurious to the use or enjoyment of other properties in the vicinity. The applicant will adhere to all specific development standards related to minor automobile repair. More specifically, 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 and all repairs shall be performed within a completely enclosed building. Outdoor storage of automotive parts or storage of junk vehicles is prohibited. The applicant has maintained that the automobile repair shop will repair most vehicles on the same day that they are dropped off. Those that are unable to be repaired must be stored within the building overnight.

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 proposed variance should not substantially increase the congestion of the public streets or increase the danger of fire or be detrimental to the public welfare or safety. The applicant has indicated that he will adhere to all specific development standards related to minor automobile repair. More specifically, 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 and all repairs shall be performed within a completely enclosed building. Outdoor storage of automotive parts or storage of junk vehicles is prohibited. The applicant has maintained that the automobile repair shop will repair most vehicles on the same day that they are dropped off. Those that are unable to be repaired must be stored within the building overnight.

B. SITE PLAN REVIEW

Required Findings for Major Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review (refer 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 (refer to the above discussions).**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the City Council (refer to the above discussions).**

Section A: Conformance with Chapter 530 of Zoning Code

Building Placement and Facade:

- 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.**
- **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 façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The building is existing. The main entrance to the proposed minor automobile repair business is off of the large asphalt area to the south of the building, located directly off of 38th Street East. The building is located on the north property line, approximately 27.5 feet from the east property line, approximately 52 feet from the west property line and within 23 feet of the south property line. The exterior material is relatively compatible on all sides of the building as it is predominantly composed of masonry block. It has been recently painted. The colors of the façade are relatively compatible. The building does not meet the 30 percent window requirement on the south side facing East 38th Street or along 15th Avenue South, however, the building is existing and it would be difficult to add additional windows. Staff will require that the existing grating located on the windows facing 38th Street be removed as well as the grating located in the windows on the west side of the building. Additionally, there appears to be a boarded up window on the 15th Avenue South façade. That window will need to be replaced as a condition of approval.

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 530.140 (b).**

- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The site is accessed via existing sidewalks, although the building is not located directly adjacent to the public sidewalk. Public Works is requiring that the applicant close the curb cut located off of 15th Avenue South. There is 2 feet 6 inch interior boulevard along 15th Avenue South. Staff will require that sod be installed in order to restore the boulevard, as well as installation of curb, gutter and sidewalk to match into the existing public improvements. An encroachment permit will be required for the landscaping. Additionally, Staff will require 5 foot perimeter landscaping along 15th Avenue South for a total of 7 feet 6 inches of perimeter landscaping along 15th Avenue South inclusive of the interior boulevard. Vehicles will continue to access the site off of 30th Avenue South as there is one relatively undefined existing curb cut onto the parcel where customers pull into the facility. Public Works will require that the applicant define the curb cut along East 38th Street which will result in a 22 foot drive-cut. The existing access to the alley along the west property line must be blocked off by providing an interior curb. There will be 4 off-street parking spaces provided for the proposed business. A parking variance is needed for 2 parking spaces.

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 shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **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.**
- **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 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot,**

except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.

- **All other areas not governed by sections 530.150, 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 530.220.**
- **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 530.60, as provided in section 530.230.**

Currently there is some landscaping on site; however it does not appear to be maintained. Staff will require that the 2 feet 6 inch boulevard along both 15th Avenue South be restored with sod as well as the 6 foot 6 inch boulevard along East 38th Street. The applicant must work directly with Public Works on the boulevard restorations as a new sidewalk along East 38th Street has recently been installed by the City. Staff will also require perimeter landscaping of 5 feet due to the closure of the curb cut along 15th Avenue South (in addition to the restoration of the 2 feet 6 inch interior boulevard with sod). Staff will also require 5 foot perimeter landscaping along the entire length of the East 38th Street frontage adjacent to the 6 feet 6 inch interior boulevard. The landscaped areas, as well as the remaining driveway must be curbed. All driveways are required to be defined by a six (6) inch by six (6) inch continuous concrete curb. The dumpster must be enclosed per the requirements in Section 535.80.

The applicant will be able to meet the 20% landscape requirement with the above listed recommendations. Approximately 20% of the site will be landscaped. The on site landscaped square footage will be approximately 1020 square feet.

Additional Standards:

- **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.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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: The Police Department has reviewed the plans.**
- **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.**

Due to its location on site, the parking lot will be screened as much as possible to prevent headlights from shining on adjacent properties. There is on site parking for approximately 4 vehicles. There is

existing lighting on site. All lighting will comply with Chapters 535 and 541. The building is existing. The City's CPTED officer recommends that any additional plantings follow the 3' – 7' rule to allow visibility on site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards for automobile repair, minor:

Section 536, Specific Development Standards, requires the following for automobile repair, minor:

- (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: Hours that the facilities can be open to the public under the C1 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The business will meet these hours.

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

Window obstructions: 543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (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. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage: No new signage is proposed at this time. All new signage is required to meet the requirements of the code. The applicant shall submit a sign inventory, so the Zoning Office can review all new signage for compliance with the code before any new sign permits are issued.

Alternative Compliance:

The Planning Commission may approve alternatives to any major 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, 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 not necessary for this site.

RECOMMENDATIONS:

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

The Department of Community Planning and Economic Development, Planning Division recommends that the City Planning Commission **approve** the variance application for property located at 3744 15th Avenue South to the meeting of September 13, 2004.

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

The Department of Community Planning and Economic Development, Planning Division recommends that the City Planning Commission **approve** the site plan review application for property located at 3744 15th Avenue South to the meeting of September 13, 2004 subject to the following conditions:

1. Staff review and approval of the final site, landscaping, lighting, and snow storage and removal plans before permits may be issued and improvements are installed. All site improvements shall be completed by September 15, 2005 (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.

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2. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before permits may be issued.
3. The use is subject to the specific development standards for automobile repair, minor found in Section 536 of the Zoning Ordinance.
4. The use is subject to specific hours of operation per the C1 zone district regulations. The facility can be open to the public from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The business will meet these hours.
5. Installation of a dumpster that meets the requirements per Section 535.80.
6. Staff will require that concrete curbing be installed and all parking stalls must be striped and designated accordingly.
7. Staff will require that the existing grating located on the windows facing 38th Street be removed as well as the grating located on the west side of the building. Additionally, there appears to be a boarded up window on the 15th Avenue South façade. That window will need to be replaced as a condition of approval.
8. The existing curb cut along 15th Avenue South must be closed. Staff will require that the boulevard be restored and installation of curb, gutter and sidewalk to match into the existing public improvements.
9. Staff will require perimeter landscaping of 5 feet (due to the closure of the curb cut) along 15th Avenue South in addition to the restoration of the 2 feet 6 inch interior boulevard with sod. Staff will also require 5 foot perimeter landscaping along the entire frontage of 38th Street east adjacent to the 6 feet 6 inch interior boulevard. The landscaped areas, as well as the remaining driveway must be curbed. All driveways are required to be defined by a six (6) inch by six (6) inch continuous concrete curb.
10. Public Works will require that the applicant define the curb cut along East 38th Street which will result in a 22 foot drive-cut. The existing access to the alley along the west property line must be blocked off by providing an interior curb.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos

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