

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Expansion of Non-Conforming Use and Site Plan Review
BZZ-3909

Date: January 28, 2008

Applicant: Crosstown BP

Address of Property: 6004 Penn Avenue South

Project Name: Crosstown BP

Contact Person and Phone: Eric Christianson with Rutledge Construction Co., (952) 935-5558

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: December 26, 2007

End of 60-Day Decision Period: February 24, 2008

End of 120-Day Decision Period: Not applicable for this development

Ward: 13 **Neighborhood Organization:** Armatage Neighborhood Association

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: Not applicable

Zoning Plate Number: 35

Legal Description: Not applicable

Proposed Use: Automobile convenience facility

Concurrent Review:

Conditional use permit: for an approximate 100 square foot addition to an automobile convenience facility and an internal remodel of the automobile convenience facility

Expansion of a non-conforming use: for an expansion of a car washing facility associated with an automobile convenience facility located in the C1 zoning district.

Site plan review

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

Background: Located on the southwest corner of Penn Avenue South and West 60th Street is the existing Crosstown BP, an automobile convenience facility. According to the City's Property

Information Resources website the automobile convenience facility was first constructed in 1972. In 1996, the former operator of the site upgraded the fuel pumps. As part of that change the site was brought through the City's Site Plan Review process. The site today is in conformance with the plans that were approved in 1996. Given that the site is in compliance with an approved site plan today's code standards for stacking, drive aisles and other site plan review standards are not being applied.

The applicant is proposing to construct an approximate 100 square foot addition to the back side of the building for purposes of housing equipment for the existing car wash facility. As part of this project the applicant is also proposing to convert the two existing service bays in the building to additional convenience store space. As part of the internal remodel the two overhead doors on the front of the building will be replaced with an aluminum frame glass and metal wall unit system and the entrance to the restroom will be relocated so it can be accessed from within the store instead of from outside the building.

The site is zoned C1, Neighborhood Commercial District. Automobile convenience facilities, existing on the effective date of the ordinance (November 1999), are a conditional use in the C1 district. Given this a conditional use permit is required for both the addition and the internal remodel of the building. Car washes are not a permitted use in the C1 district and therefore an expansion of a non-conforming use certificate is required in order to allow the addition to be built as it will house equipment for the car wash facility. Car washes are first allowed in the C2, Neighborhood Corridor Commercial District. The other application that is being reviewed for this application is site plan review.

CONDITIONAL USE PERMIT - for an approximate 100 square foot addition to an automobile convenience facility and an internal remodel of the automobile convenience facility

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The Planning Division does not believe that the proposed addition or the internal remodeling of the existing automobile convenience facility would be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area. The site has been used as an automobile convenience facility for over 30 years. The proposed addition is small and will be located towards the back of the building which is surrounded by a six-foot tall fence. In addition, the internal remodeling of the building will eliminate existing service bays which in theory should reduce traffic congestion on site, as well as odors and noise.

2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

The Planning Division does not believe that the proposed addition or the internal remodeling of the existing automobile convenience facility would be detrimental to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. Again, the proposed addition is small and will be located towards the back of the building which is surrounded by a six-foot tall fence. In addition, the internal remodeling of the building will eliminate existing service bays which in theory should reduce traffic congestion on site, as well as odors and noise.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the project to ensure that all procedures are followed in order to comply with city and other applicable requirements. As for vehicular access, there are three curb cuts leading to and from the site. Two are located along Penn Avenue South and one is located along West 60th Street. No changes to the site's access plan are proposed.

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

The parking requirement for an automobile convenience facility is one space per 300 square feet of gross floor area and for a car wash it is one space per 20 feet of washing line or bay. The size of the automobile convenience facility is approximately 1,477 square feet which requires five parking spaces and the length of the washing line is 29 feet which requires two parking spaces. In total, the parking requirement is seven spaces. There are a total of seven parking spaces on site.

In addition to the parking spaces, car washes and gasoline pump islands have a stacking requirement. The stacking requirement for a car wash is three spaces per 20 feet of washing line and the stacking requirement for a gasoline pump island is one space from each end of the pump island. The washing line is 29 feet in length which requires six stacking spaces and there are a total of three gasoline pump islands which requires six stacking spaces. There are a total of three stacking spaces for the car wash and zero stacking spaces for the gasoline pump islands. Again, because the site today is in conformance with the plans that were approved in 1996 today's code standards for stacking and drive aisles are not being applied.

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

The site is located on Penn Avenue South which is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).

- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 4.2).
- Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movements, and expands the range of goods and services (Policy 4.2)
- Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4)

The Planning Division believes that the proposed project is in conformance with the above policies of *The Minneapolis Plan*.

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

With the approval of the conditional use permit, expansion of a non-conforming use certificate and site plan review this development will meet the applicable regulations of the C1 zoning district.

EXPANSION OF A NON-CONFORMING USE: for an expansion of a car washing facility associated with an automobile convenience facility located in the C1 zoning district

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division has analyzed the application and makes the following findings:

1 A rezoning of the property would be inappropriate.

A car wash is first allowed in the C2, Neighborhood Corridor Commercial District. The Planning Division believes that it would be inappropriate to rezone the property to the C2 zoning district to accommodate the existing car wash. Although C2 zoning may be appropriate on Community Corridors, this particular area of the City is primarily residential in nature and should be protected from such intensive zoning.

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

The Planning Division believes that the proposed expansion will be compatible with adjacent property and the neighborhood. The proposed addition is less than 100 square feet in size and will be located towards the back of the building which is surrounded by a six-foot tall fence.

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 Planning Division believes that the proposed expansion will not have any adverse off-site impacts. If the project is approved the applicant would have to comply with all local, state and federal regulations and requirements for car washes.

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

The Planning Division does not believe that the proposed addition will have an impact on the neighborhood's appearance or stability. Again, the addition is small and located towards the back of the building and will barely be visible from the public realm.

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 will be constructed as part of this development.

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

The site is not located in the Floodway District.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- The area between the building and the lot line shall include amenities.**

- **The building shall be oriented so that at least one (1) principal entrance faces the public street. In the case of a corner lot, the principal entrance shall face the front lot line.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building walls shall provide architectural detail and shall contain windows as required by Chapter 530 in order to create visual interest and to increase security of adjacent outdoor spaces by maximizing natural surveillance and visibility.**
- **In larger buildings, architectural elements, including recesses or projections, windows and entries, shall be emphasized to divide the building into smaller identifiable sections.**
- **Blank, uninterrupted walls that do not include windows, entries, recesses or projections, or other architectural elements, shall not exceed twenty five (25) feet in length.**
- **Exterior materials shall be durable, including but not limited to masonry, brick, stone, stucco, wood, metal, and glass.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited fronting along a public street, public sidewalk, public pathway, or adjacent to a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features such as porches and roofs or other details that express the importance of the entrance. Multiple entrances shall be encouraged. Twenty (20) percent of the walls on the first floor and ten (10) percent of the walls on each floor above the first that face a public street, public sidewalk, public pathway, or on-site parking lot, shall be windows as follows:**
 - a. **Windows shall be vertical in proportion.**
 - b. **Windows shall be distributed in a more or less even manner.**
 - **Nonresidential uses:**
 - **Principal entrances shall be clearly defined and emphasized through the use of architectural features 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.

- **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.**

PLANNING DEPARTMENT RESPONSE:

- The building does not reinforce the street wall or facilitate pedestrian access as the building is setback from the property lines along both Penn Avenue South and West 60th Street. In addition, there is no direct access to the entrance of the building from the surrounding public sidewalks without walking through the gasoline pump islands and the parking area. The placement of the building is an existing condition of the site.
- The building does maximize natural surveillance as there are windows located along both the Penn Avenue South and the West 60th Street side of the building.
- The site is located on a corner lot which requires that both walls abutting the streets be located within eight feet of the property line. The building is setback approximately 75 feet from Penn Avenue South and approximately 60 feet from West 60th Street. Again, the placement of the building is an existing condition of the site.
- The area in between the building and the property lines are occupied by the gasoline pump islands, parking spaces and drive aisles. In addition, there is a five-foot landscaped yard located along both streets.
- The principal entrance to the building is oriented towards Penn Avenue South.
- The majority of the on-site parking associated with this use is located directly to the north of the building. There is also one parking space located on both the north and south sides of the gasoline pump islands. On the north side of the gasoline pump islands the pavement is striped to accommodate several parallel parking spaces. This was not approved as part of the 1996 site plan review process. The Planning Division is recommending that the applicant re-stripe the pavement to accommodate one parallel parking space as was approved.
- The primary exterior material of the building is brick. As part of the internal remodel the two overhead doors on the front of the building will be replaced with an aluminum frame glass and metal wall unit system to match the existing building. The sides and rear of the building are similar to and compatible with the front of the building.
- The south and west sides of the building are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements. This is an existing condition of the building.
- At least 30 percent of the Penn Avenue South and West 60th Street sides of the building are required to be windows. The analysis of the project's compliance with these requirements follows:

- Penn Avenue South: the percentage of windows facing Penn Avenue South is 23 percent. Along this side of the building windows occupy the majority of the building wall. There is a section of the building wall that is taken up by the garage door for the car wash. If the car wash were not there additional windows could be added to the building but this is an existing condition of the building. For this reason the Planning Division is recommending that the Planning Commission grant alternative compliance.
- West 60th Street: the percentage of windows facing West 60th Street is 33.7 percent.
- The windows located on both the Penn Avenue South and the West 60th Street sides of the building are located five feet above grade and four feet six inches above the height of the sidewalk adjacent to the building. To be in compliance with the requirements of the zoning code the bottom of any window used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade. The new windows along the Penn Avenue South side of the building could be designed to meet the requirements of the code but then they would not match the existing windows. The Planning Division is recommending that the City Planning Commission grant alternative compliance as this is an existing condition of the site and the building.
- For non-residential uses, the zoning code requires that at least 30 percent of the windows allow views into and out of the building and be free of shelving, mechanical equipment or other similar fixtures that block views.
- The windows in the building are vertical in nature and are evenly distributed along the building walls.
- The principal roof line of the building is flat. This is an existing condition of the building.

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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrance leading into the building is not directly connected to the public sidewalk. This is an existing condition of the site.
- No transit shelters are proposed as part of this development.
- The majority of the on-site parking associated with this use is located directly to the north of the building. There is also one parking space located on both the north and south sides of the gasoline pump islands.
- The south side of the site abuts a public alley. The site cannot be accessed from the alley.
- There is no maximum impervious surface requirement in the C1 district. Twenty percent of the site, minus the building, is required to be green space. According to the applicant's submittal materials 19 percent of the site is green space.

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.**

PLANNING DEPARTMENT RESPONSE:

- **The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 16,995 square feet. The footprint of the building is 1,951 square feet. When you subtract the footprint from the lot size the resulting number is 15,044 square feet. Twenty percent of this number is 3,008 square feet. According to the applicant's landscaping plan there is 2,882 square feet of landscaping on the site or approximately 19 percent of the site not occupied by the building. This is an existing condition of the site.**
- **The zoning code requires at least 1 canopy tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space be planted on the site. The tree and shrub requirement for this site is six and 60 respectfully. There are no trees located on the site and there are approximately 63 shrubs on the site. This is an existing condition of the site. Some of the landscaping beds appear to be overrun with weeds. The Planning Division is recommending that the**

applicant clean up the landscaping beds by removing the weeds and adding a fresh layer of wood mulch. For visual interest, the applicant is encouraged to plant perennials around the site.

- A seven-foot wide landscaped yard is required along all four sides of the property given the nature of the business. Along all four sides of the property there is a five-foot wide landscaped yard. When this site went through the site plan review process in 1996 the landscaped yard requirement was five feet not seven feet like it is today.
- All of the landscaped yards are landscaped except for the northwest corner of the site. The Planning Division is recommending that the applicant install landscaping in this area to help screen the parking area from the street.
- The site is not in compliance with the 20 percent landscaping requirement, the tree requirement and the landscaped yards are not seven feet in width. Given that the existing landscaping plan was approved in 1996 and because the applicant is not proposing to make any changes to the site the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the landscaping plan to stay as it is currently.
- Along the west and south sides of the property there is an existing six-foot high solid wood fence. Some sections of the fence are in need of repair. The Planning Division is recommending that the entire fence be inspected and repaired as needed.

ADDITIONAL STANDARDS:

- **All parking lots and driveways shall be designed with wheel stops or discontinuous curbing to provide on-site retention and filtration of stormwater. Where on-site retention and filtration is not practical, the parking lot shall be defined by six (6) inch by six (6) inch continuous concrete curb.**
- **To the extent practical, site plans shall minimize the blocking of views of important elements of the city.**
- **To the extent practical, buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **To the extent practical, buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260 related to:**
 - **Natural surveillance and visibility**
 - **Lighting levels**
 - **Territorial reinforcement and space delineation**
 - **Natural access control**
- **To the extent practical, site plans shall include the rehabilitation and integration of locally designated historic structures or structures that have been determined to be eligible to be locally designated. Where rehabilitation is not feasible, the development shall include the reuse of significant features of historic buildings.**

PLANNING DEPARTMENT RESPONSE:

- Stormwater runoff from the parking area drains towards the curb cuts and into the City's stormwater sewer system. Given the grading and layout of the site it would be impractical to create on-site filtration areas without completely redesigning the site.
- This building does not block views of important elements in the city.

- This building does cast minimal shadows on surrounding properties.
- This building produces minimal if any wind effects on the surrounding area.
- The site plan complies with crime prevention design elements as the perimeter landscaping is low and allows views into and out of the site, windows provided views into and out of the building and there are lights located near all of the pedestrian entrances.
- This site is neither historically designated nor located in a historic district.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE:

- **Use:** The site is zoned C1, Neighborhood Commercial District. Automobile convenience facilities, existing on the effective date of the ordinance (November 1999), are a conditional use in the C1 district. Given this a conditional use permit is required for both the addition and the internal remodel of the building.
- **Off-Street Parking and Loading:** The parking requirement for an automobile convenience facility is one space per 300 square feet of gross floor area and for a car wash it is one space per 20 feet of washing line or bay. The size of the automobile convenience facility is approximately 1,477 square feet which requires five parking spaces and the length of the washing line is 29 feet which requires two parking spaces. In total, the parking requirement is seven spaces. There are a total of seven parking spaces on site.

In addition to the parking spaces, car washes and gasoline pump islands have a stacking requirement. The stacking requirement for a car wash is three spaces per 20 feet of washing line and the stacking requirement for a gasoline pump island is one space from each end of the pump island. The washing line is 29 feet in length which requires six stacking spaces and there are a total of three gasoline pump islands which requires six stacking spaces. There are a total of three stacking spaces for the car wash and zero stacking spaces for the gasoline pump islands. Again, because the site today is in conformance with the plans that were approved in 1996 today's code standards for stacking and drive aisles are not being applied.

- **Maximum Floor Area:** The maximum FAR in the C1 district is 1.7. The lot in question is 16,995 square feet in area. The applicant proposes a total of 1,951 square feet of gross floor area, an FAR of .11.
- **Building Height:** Building height in the C1 district is limited to 2.5 stories or 35 feet, whichever is less. The building is one-story in height
- **Minimum Lot Area:** The minimum lot area for automobile convenience facilities with gasoline fuel pumps and car washes is 12,000 square feet in the C1 district. The lot in question is 16,995 square feet in area.

- **Dwelling Units per Acre:** Not applicable for this development.
- **Yard Requirements:** This development is located in the C1 district. The front yard setback along Penn Avenue South is 20 feet for the first 40 feet north of the south property line because of the proximity to the adjacent residential district. The corner side yard setback along West 60th Street is zero feet. And the interior side yard and rear yard setback requirements for this development are 5+2x, where x equals the number of stories above the first floor. The resulting setback along these two sides of the site is 7 feet. None of the setbacks are being met on the site. However, the setbacks of the building, the gasoline pump islands and associated canopy and the parking areas are existing conditions of the site.
- **Specific Development Standards:** Both automobile convenience facilities and car washes are subject to specific development standards:

Automobile convenience facility:

- The sale or repair of vehicles shall be prohibited.
- 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.
- 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.
- 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.
- Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Car wash:

- Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
 - Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
 - 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.
 - The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- **Hours of Operation:** The hours of operation in the C1 district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the use is open from 7 am to 10 pm, seven days a week.
 - **Signs:** Signs are subject to the requirements of Chapter 543 of the Zoning Code. In the C1 District one can have 1.5 square feet of signage for every one foot of primary building wall unless there is a freestanding sign on the zoning lot. If there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are

limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The maximum height of any sign is 14 feet. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. The applicant is proposing to have a freestanding sign located on the northwest corner of the property. An elevation of the freestanding sign was submitted but because it was not to scale the Planning Division could not verify any of the dimensions.

- **Refuse storage:** The enclosed refuse container is located along the west side of the property.
- **Lighting:** A lighting plan showing footcandles was not submitted as part of the application materials.

MINNEAPOLIS PLAN:

The site is located on Penn Avenue South which is a designated Community Corridor. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Minneapolis will coordinate land use and transportation planning on designated Community Corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets (Policy 4.2).
- Support the continued presence of small-scale retail sales and commercial services along Community Corridors (Implementation Step for Policy 4.2).
- Minneapolis will support development in Commercial Corridors where it enhances the street's character, improves its ability to accommodate automobile traffic and foster pedestrian movements, and expands the range of goods and services (Policy 4.2)
- Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas (Policy 4.4)

The Planning Division believes that the proposed project is in conformance with the above policies of *The Minneapolis 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.**

PLANNING DEPARTMENT RESPONSE:

- **For non-residential uses, thirty percent of the walls on the first floor and ten 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.** Along the Penn Avenue South side of the building 23 percent of the wall is glass. Along this side of the building windows occupy the majority of the wall. There is a section of the building wall that is taken up by the garage door for the car wash. If the car wash were not there additional windows could be added to the building but this is an existing condition of the building. For this reason the Planning Division is recommending that the Planning Commission grant alternative compliance.
- **For non-residential uses, the bottom of any windows used to satisfy the ground floor window requirement may not be more than four feet above the adjacent grade.** The windows located on both the Penn Avenue South and the West 60th Street sides of the building are located five feet above grade and four feet six inches above the height of the sidewalk adjacent to the building. The new windows along the Penn Avenue South side of the building could be designed to meet the requirements of the code but then they would not match the existing windows. The Planning Division is recommending that the City Planning Commission grant alternative compliance as this is an existing condition of the site and the building.
- **Twenty percent of the site not occupied by the building is required to be landscaped, not less than one tree for each five hundred square feet of required landscaping is required to be planted on the site and required landscaped yards are to be at least seven feet in width.** The site is not in compliance with the 20 percent landscaping requirement, the tree requirement and the landscaped yards are not seven feet in width. Given that the existing landscaping plan was approved in 1996 and because the applicant is not proposing to make any changes to the site the Planning Division is recommending that the City Planning Commission grant alternative compliance to allow the landscaping plan to stay as it is currently

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit application for an approximate 100 square foot addition to an automobile convenience facility and an internal remodel of the automobile convenience facility located at 6004 Penn Avenue South subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat.

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462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a car washing facility associated with an automobile convenience facility located in the C1 zoning district located at 6004 Penn Avenue South.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for the property located at 6004 Penn Avenue South subject to the following conditions:

1. The applicant shall re-stripe the pavement to accommodate one parallel parking space on the north side of the gasoline pump islands.
2. Windows shall comply with the requirements of Section 530.120 of the zoning code.
3. The landscaping beds shall be cleaned up by removing the weeds and adding a fresh layer of wood mulch.
4. The applicant is encouraged to plant perennials around the site.
5. The applicant shall install landscaping in the northwest corner of the site to help screen the parking area from the street.
6. The entire fence shall be inspected and repaired as needed.
7. Any changes to the site plan as a result of Preliminary Development Review may result in another public hearing by the City Planning Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.
8. Approval of the final site, landscaping and elevation plans by the Community Planning and Economic Development Department – Planning Division.
9. All site improvements shall be completed by January 28, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use
2. Conditional use permit and expansion of a non-conforming use findings
3. December 18, 2007, letters to Council Member Hodges and the Armatage Neighborhood Association
4. Zoning Map
5. Site plan, floor plans and elevations
6. Photographs of the site and surrounding area