

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Site Plan Review
BZZ-3488

Date: May 7, 2007

Applicant: Hassan Warsame

Address of Property: 2000 3rd Avenue S

Project Name: Expansion of BP Gas Station

Contact Person and Phone: Joseph Kiesling, 651-430-2550

Planning Staff and Phone: Michael Wee, 612-673-5468

Date Application Deemed Complete: April 12, 2007

End of 60-Day Decision Period: June 11, 2007

End of 120-Day Decision Period: Not applicable

Ward: 6 **Neighborhood Organization:** Whittier, and Steven's Square

Existing Zoning: C1 Neighborhood Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 20

Legal Description: Not applicable for this application.

Proposed Use: Addition to an existing automobile convenience facility.

Appropriate Section(s) of the Zoning Code: Chapter 548, Article II – Neighborhood Commercial District; Chapter 530 Site Plan Review.

Previous Actions: On September 25, 1985, the Board of Adjustment approved a variance of the south side yard from 5' to 0', and a variance of the front yard on 3rd Avenue S from 15' to 5' to allow driveway and parking area. On September 27, 1985, the City Council denied an application for a CUP by Amoco for a 24-hour per day operating hours for the gas station. On January 16, 2001, the Planning Commission approved a CUP and site plan review for the auto convenience store and denied rezoning of the site from C1 & OR2 to C2, and recommended that the applicant pursue rezoning of the south lot to C1 or TP (transitional parking) overlay district (BZCU-197). On August 6, 2001, the Planning Commission granted approval to rezone the southerly parcel from OR2 to C1, thus the entire property is

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now under one zoning designation (BZZ-86, and approved by the Council on August 24, 2001, Ordinance 2001-Or-102).

Concurrent Review: Conditional use for an expansion of a gas station; and a site plan review.

Background: The gas station was built before 1960 on two northerly lots at 2000 3rd Avenue South. Amoco took over the facility in 1985. The north two lots were rezoned from B2S-2 to C1, and the south lot was rezoned from B1-2 to OR2 in 1999 when the new zoning code was adopted. On January 16, 2001, a third parcel (south) was added for parking through a CUP approval (BZCU-197). The south lot was then rezoned from OR2 to C1 on August 6, 2001 (BZZ-86). The applicant purchased the property and continued the same business since then.

The property is located at the southwest corner of Franklin and 3rd Avenue S. This segment of Franklin Avenue is a designated community corridor, which supports small scale retails in primarily residential uses. The property is surrounded on all sides by OR2 uses except across 3rd Avenue to the east where it is predominantly multi-family uses (R5 district). The existing structure is approximately 865 square feet of convenience store space with canopied gas pumps located in the front. Automobile convenience facilities existing on the effective date of the zoning code are a conditional use in C1 District. Site plan review is required in order to expand any automobile services use notwithstanding the amount of proposed floor area. The applicant is proposing to expand the facility by adding 852 square feet of space towards the rear of the building for the purpose of increasing storage areas and also to improve the store layout. The addition will extend 5 feet on the north elevation and 15 feet on the west elevation of the existing building. New walls will use similar bricks as the existing to be consistent.

The parking requirement for automobile convenience facility is one per 300 square feet of gross floor area. With a new gross floor area of 1,717 square feet after the addition, six parking spaces are required. There are currently 16 on-site parking spaces. Parking design and maintenance section of Chapter 541 of the code will require landscaping and screening along the streets. The applicant will revise the parking layout to comply with code requirements including drive aisles and no parking in the front yard. One space is required for stacking at each end of gasoline pumps. The site does not provide sufficient stacking space as required. However, a site plan review was granted on January 16, 2001 (BZSP-79) showing the same pump locations and configurations. The existing stacking layout is deemed to be approved given that the applicant is not changing the configuration of the pumps.

Some of the conditions from the previously approved site plan have not been implemented by the applicant. These include a) ten canopy trees and 4 foot wide walkways from the public sidewalks on Franklin Avenue and 3rd Avenue South to the front entrance of the store; b) removal of the pay phone.

The property is located in a designated Washburn Fair Oaks historic district. A Certificate of No Change was administratively approved for the proposed expansion as it is not considered a contributing resource. The proposed project also underwent the Preliminary Development Review (PDR) on April 11, 2007 and copy of its outcome is attached.

Comments from Whittier Neighborhood and Steven's Square Community Organization are attached in support of the proposed expansion. At the time of writing this staff report, no other comments were

received from the neighbors in the surrounding area. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE: to allow the expansion of an existing automobile convenience facility located at 2000 3rd Avenue S.

Findings as required by the Minneapolis Zoning Code:

The 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 to expand an existing automobile convenience facility located at 2000 3rd Avenue S:

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

The facility was established before 1960 and a convenience store was added in 2001. It is located along a designated Community Corridor where multi-residential are predominant uses. The purpose of the expansion is to gain more storage space and to improve the store layout. The addition does not significantly increase the existing sales floor area because approximately 80% of the new addition will be occupied by walk-in cooler, freezer and storage. Planning Division believes that the proposed addition will not be detrimental to or endanger the public health, safety, comfort and general welfare of the surroundings provided all building code requirements are met.

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 facility is predominantly surrounded by R5 and OR-2 districts. Planning Division believes that the proposed project will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal and orderly development of surrounding properties for uses permitted in the district.

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

The site is served by existing infrastructure and deemed adequate. No additional requirements are anticipated.

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

The property is located along a designated Community Corridor. Community corridors are designed to carry a minimum of 4,000 average annual daily traffic (AADT) up to 15,000 AADT and greater. The proposed addition will not necessarily increase traffic volumes along Franklin and 3rd Avenue.

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

The Minneapolis Plan supports reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1), and develop existing economic base by emphasizing business retention and expansion (Policy 2.8). While new automobile convenience facilities are not appropriate

in all locations on community corridors, the proposed addition will further advance the stated 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 upon approval of this conditional use permit.

Staff is not aware of any applicable regulations in a C1 District that will conflict with the proposed addition to an existing convenience store. The proposal will comply with C1 requirements including floor area ratio, maximum floor area and lot width. Section 548.240(2) restricts commercial uses to a maximum zoning lot size of 20,000 square feet. The existing property which has been established as a commercial use before 1960 is 21,865 square feet in lot size. A conditional use permit was approved by the Planning Commission in January 16, 2001 (BZCU-197) for an auto convenience use.

SITE PLAN REVIEW:

Required Findings for Site Plan Review

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND FAÇADE:

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

- **Entrances and windows:**
 - **Residential uses:**

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

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

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

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

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.
- The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

Conformance with above requirements:

The existing building is designed to face both Franklin Avenue and 3rd Avenue but located towards the back. The addition is to the rear of the existing building and will utilize existing windows to the north elevation and add one window to the east elevation.

The building was constructed sometime before 1960 and is located approximately 70 feet from its front lot lines along Franklin Avenue and 3rd Avenue. The facility is deemed grandfathered as to current code requirement for building location of no more than 8 feet from the front lot lines.

The area between the building and the front lot lines include canopied gas pumps that were established before 1960. The property is presently landscaped and fenced as required by the site plan review previously approved in January 16, 2001.

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Principal entrance to the facility faces 3rd Avenue. This currently exists and will not change.

On January 16, 2001, the property was granted approval for a CUP and for a Site Plan Review, which included parking on the south lot. Parking area is set back 5 feet from the south lot line, which is the required interior side yard. The approved site plan did not show a front yard parking, contrary to what is present on site now. It also did not indicate the three parking spaces located south of the building.

Front building walls presently provide windows, but these windows do not meet the minimum 30% of the wall area as required by Section 530.120 of the zoning code. The new wall that faces 3rd Avenue will have 28.5% windows, and the new north wall that faces Franklin Avenue has 23% windows. Due to the storage location in the interior layout, the south wall that faces its parking area and the rear wall can not have windows. Windows are not required in the rear elevation that faces the alley. Alternative compliance is requested for elevations that do not meet the window requirements of Section 530.120.

The rear wall is 49 feet in length of uninterrupted blank wall, and it is adjacent to an office residence district. The south wall that faces the parking area is 35 feet in length and does not have windows. Both of these walls do not conform to the requirements of Section 530.120 of the zoning code. Alternative compliance for these walls is requested.

The existing building was granted approvals with windows facing both Franklin Avenue and 3rd Avenue with less than 30% windows. The same windows will be used for the north elevation, while one new window will be added on the elevation facing 3rd Avenue. An alternative compliance for the window requirements seem to be reasonable. There is also a blank wall issue on the south elevation as well as for the rear elevation. The proposed interior layout indicated these walls are necessary for the walk-in cooler, freezer, and storage. Because it is not practical to require windows on these walls, an alternative compliance is deemed reasonable.

All exterior walls will use similar white bricks to match the existing. No plain face concrete blocks will be used on any part of the proposed addition visible from public view.

There is no change to the principal entrance. One window is proposed on the new wall of the addition that faces 3rd Avenue. The total window in the front elevation is 28 percent, short of code requirement of 30 percent. All windows are not over four feet above the adjacent grade, and they are vertical in proportion. These are clear glass windows that allow views into and out of the building at eye level. The form and pitch of roof lines is similar to the existing flat roof lines. No garages are proposed.

ACCESS AND CIRCULATION:

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

The areas between the sidewalk and the building are mostly impervious. The Site Plan Review that was approved on January 16, 2001 required striped walkways from the sidewalks on Franklin Avenue and 3rd Avenue S. to the front entrance of the store. The striping has not been implemented by the applicant. The site is well-lighted by six exterior lights along the property perimeter. A transit shelter is located on the public right-of-way along Franklin Avenue.

There are two curb cuts to the property and they are 28 feet wide on Frankline Avenue and 23 feet wide on 3rd Avenue. Parking on site totals 16 spaces, one of which is in the required front yard located on the southeast corner of the property. The property is zone C1 and adjacent to an OR2 district to the south. A front yard equal to the lesser of the front yard required by such residence or office residence district shall be provided in the commercial district for the first 40 feet from such residence or office residence district. Parking in the front yard is not allowed in any zoning district. The site plan that was approved on January 16, 2001 did not indicate front yard parking nor the three parking adjacent to the south building wall. Staff is recommending to relocate existing curbing on the southeast corner of the property to no closer than 15 feet from the front lot line. In addition, applicant needs to reduce the number of parking spaces to the south by 4 spaces and also remove three spaces located south of the existing building in order to meet the minimum 22 feet drive aisle requirement. One handicap parking and bike parking are proposed on the north side of the building. This parking does not meet the minimum drive aisle requirement of the current code, but it has been approved in previous site plan review (BZSP-79). Staff believes that existing internal circulation does not conflict with pedestrian traffic and surrounding residential uses.

Vehicular access and internal circulation appear to be in compliance with Section 530.150(b) of the code. There is no access through the public alley. A perimeter fence runs along on all four sides of the property except where there are curb cuts along Franklin and 3rd Avenue.

The property is generally impervious except in areas along the streets and rear of the building where these are landscaped and turfed. Snow storage area is located at the southwest corner of the property. To increase the pervious area, staff is recommending removal of pavement for the snow storage area, provide curbing and then landscaping it to meet its alternative compliance explained below.

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.

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- 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.

Section 530.160 of the zoning code requires not less than 20% of the site not occupied by buildings including all required landscaped yards to be landscaped. The property is 21,865 square feet in area and approximately 80 percent is impervious including the building, parking area, driveways, and the gas pump service area under the canopy. Section 530.160 requires 20% of the site not covered by buildings, including landscaped yards, to be landscaped. The calculated area that needs to be landscaped is 4,030 square feet ($21,865 - 1,717 = 20,148 \times 0.20 = 4,030$). The required number of trees and shrubs from this calculation is 9 and 41, respectively. The site plan previously approved in January, 2001 required 10 trees but did not specify the number of shrubs. The site presently has 7 trees and 26 shrubs. The southwest corner of the property is reserved for snow storage, but this area could be improved to meet the requirements of Section 530.180 and reduce the impervious surface.

Landscaping elements along public streets are required as stipulated in Section 530.170 of the zoning code. A landscape yard of 5 feet was approved by the Planning Commission (BZSP-41) on January 16, 2001 along Franklin Avenue, 3rd Avenue and south lot line. A 3-foot wood fence is provided along Franklin Avenue and 3rd Avenue for screening parking and loading area in front of the building, but this does not meet the requirements of Section 530.170 of the zoning code.

There is no parking of 10 spaces or more on site. All areas not occupied by buildings, parking, and driveways are covered with turf grass.

There is no reason for the applicant to request for substitution or reduction of landscaped materials, landscaped area or other landscaping or screening standards as stipulated in Section 530.220 of the zoning code.

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.

Parking areas have continuous curbing.

The building is a one-story retail store. It will not block views of important elements of the city. It will not cause shadowing effect on public spaces and adjacent properties. The building will not generate wind currents at ground level.

The site plan provides code compliant perimeter fencing, exterior lighting around building and parking areas, and sufficient windows on its building for natural surveillance and visibility, landscaping and buffering elements.

The property is located within Washburn Fair Oaks Historic District, but it is not considered as a contributing resource. A Certificate of No Change was administratively approved for the proposed addition.

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

ZONING CODE: Automobile convenience facility in the C1 District is a conditional use.

Off-Street Parking and Loading: The zoning code requires six parking spaces. The applicant proposes seven spaces along the south property line and one handicap parking space located north of the building. Bike parking may also be provided by the applicant. A 24-foot drive aisle in the south parking area will be maintained when three parking spaces adjacent to the building are removed. The approved site plan in 2001 did not include these three parking spaces adjacent to the building. The parking located on the north side of the building encroaches the driveway from Franklin Avenue, but previous site plan review approval showed the same parking configuration.

Maximum Floor Area: The maximum FAR in the C1 District is 1.7. The lot in question is 21,865

square feet in area. The applicant proposes 1,717 square feet of gross floor area, an FAR of 0.08.

Building Height: Building height in the C1 District is limited to 2.5 stories or 35 feet, whichever is less. The building is a one-story retail store less than 15 feet in total height.

Minimum Lot Area: There is no minimum lot area requirement for commercial use in C1 District. But the maximum lot area permitted in C1 District is 20,000 square feet. The property, established before 1960, has a lot area of 21,865 square feet.

Dwelling Units Per Acre: There are no dwelling units on site.

Yard Requirements: A front yard equal to the lesser of the front yard required by adjacent residence or office residence district shall be provided in the commercial district for the first forty (40) feet from such residence or office residence district boundary. The property is bounded by OR2 districts to the south and to the west. A front yard setback of 15 feet and a side yard setback of 5 feet are required for this property.

Specific Development Standards: The zoning code requires that 1) sale or repair of vehicles shall be prohibited; 2) the use shall employ best management practices regarding the venting of odors, gas and fumes; 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 within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon; and 5) unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Hours of Operation: In the C1 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 applicant will operate their business as permitted by code.

Signs: Signs are subject to 531 and 543 of the Zoning Code. The applicant proposes no change to existing signs.

Refuse storage: Existing refuse storage located north of the building is currently screened and gated in accordance with the code.

Lighting: Six perimeter exterior lighting are provided in addition to the wall light at the rear wall. These lights are in compliance to Section 530.260 of the zoning code.

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

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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 as to windows: The proposed addition will extend the north wall by 5 feet and the west wall by 15 feet. The north elevation will utilize existing windows from the original north wall, which is 23% of the wall area. One window will be added to the front elevation facing 3rd Avenue which is 28.5% of the wall area. Section 530.120(b)(2) requires 30% of the walls on the first floor. These windows are existing at its current building. Staff believes an alternative compliance is reasonable.

Alternative Compliance as to the blank south wall: The proposed addition will render the south elevation without any architectural elements to break a blank wall due to its interior room layout. This wall faces the parking area on site. Blank, uninterrupted walls that do not include windows, recesses or projections, or architectural elements exceeding 25 feet are not permitted under Section 530.120 of the zoning code. The south wall is 35 feet in length that is blank and has no windows. Due to its interior layout, staff believes that an alternative compliance is reasonable.

Alternative Compliance as to the blank rear wall: The rear wall is 49 feet in length without any windows or architectural elements. It is impractical to require windows for this wall when the interior is used as freezer and storage rooms. Applicant is providing an exterior wall lamp on this wall to improve safety issues at the rear. Staff believes that an alternative compliance is reasonable.

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 to allow the addition of 852 square feet toward the rear of an existing automobile convenience facility located at 2000 3rd Avenue South.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for site plan review to allow an expansion of an existing automobile convenience facility located at 2000 3rd Avenue South, subject to the following conditions:

1. Community Planning and Economic Development Department – Planning Division staff review and approval of the final site and landscape plans before building permits are issued.

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2. Install not less than two additional canopy trees along Franklin Avenue; not less than three additional trees along 3rd Avenue; and one additional tree along the south property line as required by Section 530.170 of the zoning code.
3. Relocate parking curb on the southeast corner of the property to no closer than 15 feet from the front lot line to comply with Section 541.260(2) of the zoning code.
4. Maintain a minimum of 22 foot drive aisle on its south parking area as required by Table 541-4 of Chapter 541 of the zoning code.
5. Parking spaces shall be striped as required by Section 541.320 of the zoning code.
6. Compliance with requirements for automobile convenience facility outlined under Chapter 536 Specific Development Standards of the zoning code.
7. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by May 7, 2008, unless extended by the Zoning Administrator, in addition to conditions specified from previously approved site plan review (BZSP-79), or the zoning permit may be revoked for non-compliance.

Attachments:

1. Statement of use
2. Findings
3. Zoning map
4. Plans
5. Photos
6. PDR report
7. BZSP-79 conditions and approved site plan