

Department of Community Planning and Economic Development - Planning Division
Conditional Use Permit, Site Plan Review
BZZ-5127

Date: May 9, 2011

Applicant: Mahmoud Eshmawy

Address of Property: 3246 2nd Street N

Project Name: N/A

Contact Person and Phone: Jay Isenberg (612) 799-3217

Planning Staff and Phone: Kimberly Holien (612) 673-2402

Date Application Deemed Complete: April 12, 2011

End of 60 Day Decision Period: June 11, 2011

Ward: 3 **Neighborhood Organization:** McKinley

Existing Zoning: I2 Medium Industrial district, MR Mississippi River Critical Area Overlay district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 8

Legal Description: Not applicable for this application.

Proposed Use: Minor auto repair.

Concurrent Review:

Conditional use permit: for minor auto repair.

Site plan review: to establish a minor auto repair use in an existing building.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 530, Site Plan Review.

Background: Mahmoud Eshmawy is proposing to establish a minor auto repair use within an existing building at 3246 2nd Street N. Minimal changes are proposed to the building at this time and a number of parking and site improvements are included as part of the project. The first floor of the building will contain office space for the minor auto repair use and four service bays. The basement level of the building will be utilized as storage space. The site is bordered by a vacant parcel to the south, industrial uses to the north and east and a single family home to the west, across 2nd Street. The single family home to the west has recently been cited for operating as a contractor's office.

CPED Planning Division Report

BZZ-5127

Minor automobile repair is a conditional use in the I2 Medium Industrial district. A conditional use permit is required and one has been applied for accordingly. The establishment of any automobile service use also requires an application for site plan review.

Staff had not received any correspondence from the McKinley Neighborhood as of the writing of this report. Any correspondence, if received, will be forwarded to the Commission for review.

CONDITIONAL USE PERMIT (to allow a minor automobile repair use in the I2 District)

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings below 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.

A minor automobile repair use in this location is not expected to be detrimental to the public health, safety or general welfare, provided the use complies with all licensing requirements, life safety ordinances and Public Works Department standards. The building was originally constructed as an industrial workshop in 1957 and has contained various industrial uses since that time. Activities related to the use include tire installation, repair and rotation, brake repair, and front end work and the like. No painting or body work will be conducted on the premises. All activities related to the minor automobile repair will be conducted within the building, mitigating the impact of any noise, dust or fumes that may be generated by the use.

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.

Allowing this minor auto repair function on the site will not impede the normal or orderly development of the surrounding area. The surrounding area is entirely developed with a mix of industrial and residential uses. All residential properties in the area are zoned I2 and are therefore non-conforming. The applicant is proposing to improve the site functionally and aesthetically as part of this project by providing required landscaping and consolidating curb cuts. The additional landscaping and screening will provide a buffer between the site and adjacent uses and all activities will be conducted indoors. Therefore, allowing this automobile service use in a primarily industrial area will not be injurious to the use and enjoyment of other property in the vicinity.

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

Roads and utilities are existing and adequate. Utilities, access and drainage were evaluated as part of the Preliminary Development Review (PDR) process. The PDR report, in its entirety, is attached for review.

CPED Planning Division Report

BZZ-5127

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

The applicant is providing adequate off-street parking and consolidating the number of curb cuts to better direct vehicle movements. The site currently has two curb cuts on Second Street and one on 33rd Avenue. The northernmost curb cut onto 2nd Street will be removed as part of the project and replaced with green space. This modification will help to minimize traffic congestion in the adjacent public streets. The use requires a minimum of ten parking stalls and 16 are provided.

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

The site is designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The parcel is one block north of the Lowry Avenue Community Corridor. The following Comprehensive Plan policies apply to this site:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

1.2.1 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

CPED Planning Division Report

BZZ-5127

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

While the site is designated for urban neighborhood on the future land use map, it is zoned for industrial purposes. Residential uses are not allowed in industrial districts. This parcel is not within an industrial employment district. Therefore, the proposed minor auto repair use would be consistent with the above policies. The applicant is proposing to make improvements to the site that include increased landscaping and screening, consistent with the above policies of the Comprehensive Plan.

The site is also located within the study area of the Above the Falls Plan, including the Upper River Master Plan which was approved in 1999. Per this small area plan, the site is designated for Planned Unit Development on the future land use map. Planned Unit Development is not a future land use category that is used today, as this type of development requires a conditional use permit and a minimum lot area of one acre. The plan envisioned a departure from the current industrial development in this area to make way for major, new residential developments. This type of development would not be allowed under the current zoning.

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

The applicant is meeting all requirements of the I2 district. With few exceptions, the proposed building and site design will also conform to the applicable regulations of the Site Plan Review chapter. The site plan standards are evaluated in detail below.

SITE PLAN REVIEW

CPED Planning Division Report
BZZ-5127

Findings as required by the Minneapolis Zoning Code for the site plan review:

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

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND 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, windows, and active functions:
 - 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.

CPED Planning Division Report

BZZ-5127

- 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.
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

- 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

Conformance with above requirements:

The building is existing and no major modifications are proposed at this time. The building is located at the corner of 2nd Street N and 33rd Avenue. The building has a maximum setback of 13 feet from the front lot line adjacent to 2nd Street and a maximum setback of seven feet along 33rd Avenue. Existing and proposed plantings are provided between the building and 2nd Street N. Turf grass is provided between the building and 33rd Avenue. The parking area is located on the south side of the building. One parking stall protrudes approximately six feet in front of the building. However, this is an existing condition. Additional parking stalls that were previously located entirely in front of the building will be removed and replaced with green space.

The building has two front entrances that both open to 2nd Street N. The entrance is defined with an awning and recessed for additional emphasis. No changes are proposed to the entrance at this time. Secondary entrances are located on the south and east sides of the building.

The front of the building is surfaced with brick and the majority of the existing building is constructed of plain face, painted CMU. The building will be painted as part of the project but no material changes are proposed. The north elevation has a blank wall that exceeds 25 feet in length. However, this is an existing condition and alternative compliance is not required.

CPED Planning Division Report

BZZ-5127

The window requirements of the site plan chapter call for 30 percent window coverage on the first floors facing the street, public pathway or on-site parking lot and 10 percent on the upper floors. All windows are existing and no changes are proposed to the amount of glazing at this time. The front elevation contains glazing for 35 percent of the façade. The north elevation, facing 33rd Avenue, does not have any windows. There are two openings on this elevation that contain glass block. The south elevation contains glazing for 7.5 percent of the façade. Three additional windows are located on the south side of the building that have not been counted toward the minimum requirement because they are more than four feet above the adjacent grade. Alternative compliance is not required due to existing conditions.

Active functions are provided for more than 70 percent of the first floor facing 2nd Street N and 33rd Avenue.

The existing building has a flat roof similar to other structures in the area.

No parking garages are proposed for the site.

ACCESS AND CIRCULATION:

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

Conformance with above requirements:

The front building entrance is connected to the public sidewalk adjacent to 2nd Street N with a 5-foot walkway. The parking area is connected to the front entrance with a 5-foot concrete walkway. A public sidewalk that is six feet in width runs along 2nd Street N. There is not a public sidewalk on the north side of the site.

There are no transit shelters adjacent to the site.

Access into the site is via a curb cut off 2nd Street N and a curb cut from 33rd Avenue N. As stated above, an additional curb cut that is currently located along 2nd Street N will be eliminated as part of the project. Consolidating curb cuts in this manner will improve traffic circulation and minimize conflicts with pedestrians that may be using the public sidewalk adjacent to 2nd Street. The remaining curb cut on 2nd Street is located approximately 60 feet from the closest residential use to the south.

The proposal includes three service bays on the east side of the building. All service bays will be accessible from one existing overhead door on the south side of the building. Maneuvering for the service bays will primarily occur inside the building. A 15-foot drive aisle provides access from the parking area to the overhead door. A second overhead door is located on the east end of the building that provides access into the basement level. Due to the significant grade change on the site, a stone retaining wall separates the two vehicle access points.

CPED Planning Division Report

BZZ-5127

The main parking area, containing 10 stalls, is located on the south side of the building. A second parking area with six stalls is located on the east side of the site. There is a significant grade change that separates the two parking areas. While the parking lot is connected, the lower parking area will be accessed primarily from the curb cut on 33rd Avenue N.

The site plan has been designed to reduce the amount of impervious surface from the existing. Overall, 17.5 percent of the site will be pervious. The amount of impervious surface will be greatly reduced over the existing site conditions. Additional landscaping will be provided within the right-of-way in areas that are currently paved. All areas not occupied by buildings, parking areas, drive aisles, loading areas and the like will be landscaped.

LANDSCAPING AND SCREENING:

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

Conformance with above requirements:

The lot area is 21,842 square feet and the footprint of the building is approximately 4,000 square feet. Therefore, the net lot area is 17,842 square feet, of which 20 percent (3,568 square feet) is required to be landscaped. The site requires 7 canopy trees and 36 shrubs to satisfy the minimum planting requirement.

CPED Planning Division Report

BZZ-5127

The applicant is proposing a landscaped area of 3,114 square feet, or 17.5 percent of the total site area not occupied by buildings. The landscaping includes nine on-site canopy trees and 45 shrubs. The majority of the landscaping is proposed around the perimeter of the parking lot. Additional shrubs are located in the right-of-way. Alternative compliance is required to allow a total landscaped area that is equivalent to less than 20 percent of the site not occupied by buildings. A minimum of 454 square feet of additional landscaping would be required to bring the property into compliance. Existing pavement in the right-of-way is being removed and replaced with approximately 560 square feet of green space. The applicant is exceeding the requirements for the minimum number of trees and shrubs and additional green space is being provided in the right-of-way as part of the application. However, the proposed landscape plan leaves portions of the site sparse in terms of plantings. Staff recommends that a minimum of ten additional shrubs be provided within the parking area along 2nd Street N as an alternative for the minimum landscaped area. With this condition, staff recommends granting alternative compliance.

Four of the parking stalls are located further than 50 feet from the center of an on-site deciduous tree. These parking stalls are all located in the lower portion of the parking lot, on the east side of the site. Staff does not recommend granting alternative compliance for this requirement. There is an existing green space directly adjacent to this row of parking stalls. Said green space is approximately 13 feet wide. While the center is interrupted with of a retaining wall, the south portion of this green space is unobstructed, level and large enough to support a deciduous tree. Staff recommends that an additional deciduous tree be provided in this location to satisfy the minimum requirement.

A 7-foot landscaped yard is required along the east property line, between the parking area and 2nd Street N. The required landscaped yard is provided. A similar landscaped yard is also provided along the south property line, between the parking lot and the vacant parcel. The applicant is proposing a 6-foot solid wood fence on the outside of the landscaped yard in both locations. However, to allow views into and out of the site, staff recommends that fence along 2nd Street N be limited to a height of three feet. Additional screening will be provided with the proposed shrubs and trees. All other areas not occupied by buildings, parking and loading facilities or driveways are landscaped with turf grass. The existing turf grass in the center of the site is overgrown with weeds and in a state of disrepair. As a condition of approval, this landscaped area shall be repaired and/or replaced as necessary.

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

CPED Planning Division Report

BZZ-5127

not feasible, the development shall include the reuse of significant features of historic buildings.

Conformance with above requirements:

There is a landscaped area in the center of the parking lot for on-site retention of stormwater. Stormwater that is not captured by this green space will flow into city facilities. In the PDR Report, Public Works- Sewer Division makes additional comments relating to stormwater. Said report has been attached for reference.

The existing building is primarily a single story and will not significantly shadow public spaces or adjacent properties. The building does not significantly generate wind currents at ground level or block views of important elements of the City.

Landscaping, sidewalks and building features are designed to clearly direct pedestrian movements. The site has been designed to promote natural surveillance and visibility.

The building is not historic and the property does not lie within an 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: Minor auto repair is a permitted conditional use in the I2, Medium Industrial Commercial, district.

Off-Street Parking and Loading:

Minimum automobile parking requirement:

The minimum vehicle parking requirement for minor automobile repair is one space per 500 square feet of gross floor area plus two spaces per service bay. Exclusive of service bays, the use is 1,920 square feet. There are three service bays proposed. The minimum parking requirement is ten spaces. The applicant is proposing 16 spaces to satisfy this requirement.

Maximum vehicle parking requirement:

The maximum vehicle parking requirement for minor auto repair is one space per 200 square feet of gross floor area plus two spaces per service bay. In this case, the maximum is 16 spaces and 16 are proposed.

Minimum bicycle parking requirement:

The use is not subject to a minimum bicycle parking requirement and none is provided.

Loading

The use has a medium loading requirement, requiring one small loading space with minimum dimensions of 10' x 25'. Loading will occur in the center of the site, just east of the entrance to the service bays. The loading space is 15' x 36'.

Maximum Floor Area: The maximum FAR allowed in the I2 District is 2.7. The existing building is 4,000 square feet and the lot is 21,842 square feet, equivalent to a floor area ratio of .18.

CPED Planning Division Report

BZZ-5127

Building Height: The I2 district limits building height to 4 stories or 56 feet, whichever is less. The existing building is primarily one story and no changes are proposed to the height at this time.

Minimum Lot Area: There is no minimum lot area requirement for a minor auto repair use in the I2 District.

Dwelling Units per Acre: There are no dwelling units proposed as part of the project.

Yard Requirements: The I2 District does not have any minimum yard requirements for the proposed use.

Specific Development Standards: The standards for the minor automobile repair use are as follows:

- (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.

The uses will comply with all the standards required above.

Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. No signage is proposed at this time.

Refuse storage: Section 535.80. Refuse storage containers are required to be enclosed on all four (4) sides by screening compatible with the principal structure, not less than two (2) feet higher than the refuse container, or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse storage container for this use will be located inside the building on the basement level.

Lighting: The applicant has not submitted a lighting plan. All lighting shall be required to comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or

CPED Planning Division Report

BZZ-5127

glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) No exterior light source located on a nonresidential property shall be visible from any permitted or conditional residential use.
- (3) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (4) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (5) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (6) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH:

The site is designated as urban neighborhood on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The parcel is one block north of the Lowry Avenue Community Corridor. The following Comprehensive Plan policies apply to this site:

Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.6 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

- 1.2.2 Promote quality design in new development, as well as building orientation, scale, massing, buffering, and setbacks that are appropriate with the context of the surrounding area.

CPED Planning Division Report
BZZ-5127

Policy 1.6: Recognize that market conditions and neighborhood traditions significantly influence the viability of businesses in areas of the city not designated as commercial corridors and districts.

1.6.1 Allow for retention of existing commercial uses and zoning districts in designated Urban Neighborhood areas, to the extent they are consistent with other city goals and do not adversely impact surrounding areas.

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

Policy 10.19: Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.

10.19.1 In general, larger, well-placed, contiguous planting areas that create and define public and private spaces shall be preferred to smaller, disconnected areas.

10.19.2 Plant and tree types should complement the surrounding area and should include a variety of species throughout the site that include seasonal interest. Species should be indigenous or proven adaptable to the local climate and should not be invasive on native species.

10.19.3 Landscaped areas should include plant and tree types that address ecological function, including the interception and filtration of stormwater, reduction of the urban heat island effect, and preservation and restoration of natural amenities.

10.19.4 Landscaped areas should be maintained in accordance with Crime Prevention Through Environmental Design (CPTED) principles, to allow views into and out of the site, to preserve view corridors and to maintain sight lines at vehicular and pedestrian intersections.

While the site is designated for urban neighborhood on the future land use map, it is zoned for industrial purposes. This parcel is not within an industrial employment district. Therefore, the proposed minor auto repair use would be consistent with the above policies. The applicant is proposing to make improvements to the site that include increased landscaping and screening, consistent with the above policies of the Comprehensive Plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The site is also located within the study area of the Above the Falls Plan, including the Upper River Master Plan which was approved in 1999. Per this small area plan, the site is designated for Planned

CPED Planning Division Report
BZZ-5127

Unit Development on the future land use map. Planned Unit Development is not a land use category that is used today, as this requires a conditional use permit and a minimum lot area of one acre. The plan envisioned a departure from the current industrial development in this area to make way for major, new residential developments. This type of development would be allowed under the current zoning.

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

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

Alternative compliance is requested to allow a total landscaped area that is equivalent to less than 20 percent of the site not occupied by buildings. A minimum of 454 square feet of additional landscaping would be required to bring the property into compliance. Existing pavement in the right-of-way is being removed and replaced with approximately 560 square feet of green space. The applicant is also exceeding the requirements for the minimum number of trees and shrubs. However, the proposed landscape plan leaves portions of the site sparse in terms of plantings. Staff recommends that a minimum of ten additional shrubs be provided within the parking area along 2nd Street N as an alternative for the minimum landscaped area. With this condition, staff recommends granting alternative compliance.

Alternative compliance is also requested to allow parking stalls that are further than 50 feet from the center of an on-site deciduous tree. Four of the parking stalls are located further than 50 feet from the center of an on-site deciduous tree. These parking stalls are all located in the lower portion of the parking lot, on the east side of the site. Staff does not recommend granting alternative compliance for this requirement. There is an existing green space directly adjacent to this row of parking stalls. Said green space is approximately 13 feet wide. While the center is interrupted with of a retaining wall, the south portion of this green space is unobstructed and large enough to support a deciduous tree. Staff recommends that an additional deciduous tree be provided in this location to satisfy the minimum requirement.

RECOMMENDATIONS:

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

CPED Planning Division Report
BZZ-5127

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow an minor automobile repair use for the property located at 3246 2nd Street N, subject to the following condition:

- 1) The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 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 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 findings above and **approve** the site plan review for a minor automobile repair use for the property located at 3246 2nd Street N, subject to the following conditions:

- 1) CPED Planning staff review and approval of the final site, elevation, floor and landscaping plans.
- 2) All site improvements shall be completed by May 9, 2012, unless extended by the Zoning Administrator, or the approvals may be revoked for noncompliance.
- 3) A deciduous tree shall be planted in the landscaped area adjacent to the easternmost row of parking stalls, in compliance with Section 530.170 of the zoning code.
- 4) The turf grass within the landscaped area in the center of the parking lot shall be repaired and/or replaced as necessary in accordance with Section 530.210 of the zoning code.
- 5) A minimum of ten additional shrubs shall be planted within the parking lot along 2nd Street as an alternative for the minimum landscape requirement, in compliance with Section 530.80 of the zoning code.
- 6) The proposed fence along 2nd Street N shall be a maximum of three feet in height.

Attachments:

1. Statement and findings from applicant.
2. Zoning map.
3. PDR Report.
4. Correspondence
5. Site plans and elevations.
6. Proposed floor plans.
7. Photos.