

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit and Site Plan Review  
BZZ - 5439

**Date:** January 9, 2012

**Applicant:** The Tire Shop

**Address of Property:** 1708 Central Avenue

**Project Name:** The Tire Shop

**Contact Person and Phone:** Saleh Ramahi, (612) 987-3655

**Planning Staff and Phone:** Shanna Sether, (612) 673-2307

**Date Application Deemed Complete:** December 9, 2011

**End of 60-Day Decision Period:** February 7, 2012

**Ward:** 1      **Neighborhood Organization:** Logan Park, adjacent to Windom Park and Northeast Park

**Existing Zoning:** I1 Light Industrial District and IL Industrial Living Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 10

**Legal Description:** Not applicable for this application

**Proposed Use:** New minor automobile repair

**Concurrent Review:**

- Conditional use permit to allow for a new minor automobile repair use.
- Site Plan review

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits, Chapter 530 Site Plan Review and Chapter 550 Industrial Districts

**Background:** The subject property is approximately 280 feet by 125 feet (35,000 square feet) and is presently the site of Hannay's Marine. The current use of the property is watercraft retail sales and service. The applicant is proposing to open a new minor automobile repair use with associated retail sales in the existing building. Minor automobile repair is a conditional use in the I1 District. In addition to the conditional use permit, the proposed use, an automobile services use, is subject to site plan review.

Staff has not received correspondence from the affected neighborhood associations. Staff will forward comments, if any are received, at the City Planning Commission meeting.

**CONDITIONAL USE PERMIT:**

**Findings as required by the Minneapolis Zoning Code for the conditional use permit:**

The Community Planning and Economic Development 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.**

The establishment of a new minor automobile repair use in the I1 Light Industrial District located within the existing building will not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all conditions of approval and site plan improvements, as well as applicable building codes and life safety ordinances.

**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 surrounding area is fully developed. The new minor automobile repair located in an existing mixed industrial and commercial area should not impede on the normal or orderly development of surrounding property in the area. The property owner is proposing to make a number of site improvements including screening, landscaping and resurfacing of the parking areas, which will reduce the off-site impacts of the use in the vicinity.

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

The site is well served by existing infrastructure. The applicant is proposing to utilize two existing curb cuts along Central Avenue NE and the existing alley, which also serves the adjacent commercial and industrial properties. The curb cut along 18<sup>th</sup> Avenue NE will be closed. The site plan was reviewed by Public Works – Transportation and there were no additional concerns identified. A copy of the Preliminary Development Review Report is attached.

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

The specific off-street parking requirement for the proposed use is 1 space per 500 square feet of GFA in excess of 4,000 square feet excluding service bays (minimum of 4 spaces) plus 1 space per 2 service bays. The floor area devoted to office space is approximately 17,700 square feet and there are 4 service bays. Therefore, the minimum parking requirement is 35 spaces. There are 30 off-street parking spaces available in the north parking lot and 10 parking spaces are located within the existing building. The site plan shows four overhead doors accessed via an existing curb cut along Central Avenue NE. Vehicles will be serviced just inside the overhead

doors and driven out another overhead door on the south side of the building to the parking area on the north side of the property via the existing alley.

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

The subject property's existing land use classification is light industrial and the property is designated as Mixed Use on the future land use map. The property is also located on Central Avenue NE, a designated commercial corridor. The mixed use classification allows for mixed use development, including either a mix of retail, office or residential uses within a building or within a district. Traditional Commercial Corridors in the city serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.

**a. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following policies are relevant to the rezoning:**

**Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.**

1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

1.4.2 Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.

**Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.**

1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

*Staff comment:* The adjacent uses along Central Avenue NE are a combination of commercial and industrial. The proposed use will occur within the existing building. Staff believes that the proposed development is consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

**b. Consistency with plans:**

The subject property is governed by the Central Avenue Small Area Plan Update which was adopted by the City Council on June 20, 2008. The plan identifies the subject property within the “hub of the Northeast Arts District and old industry defines several blocks along Central Avenue. Large-scale buildings, large open spaces, and unique frontage conditions are characteristic of this area.” Finally, the Plan offers the following recommendations:

- Retain industrial land use designation for much of the area to align with the goals of the Northeast Arts District and the area’s history of an employment area.
- Combine industrial land use with commercial and mixed-uses along Central Avenue to offer opportunities for an arts presence on the Avenue.
- Designate the South Segment as urban-oriented to help facilitate a more active streetscape.
- Use the “wedge” shape dictated by the rail lines as a distinctive name for the area: the Central Arts Wedge.

Staff believes that the proposed use is consistent with these policies outlined in the Central Avenue Small Area 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 this conditional use permit.**

In addition to the conditional use permit, a site plan review application is required and the existing use is subject to the following Specific Development Standards, addressed in Chapter 536:

*Automobile repair, minor.*

- (1) All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
- (6) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (7) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

The building and intended use shall comply with all of the development standards.

**Required Findings for Site Plan Review**

**SITE PLAN REVIEW**

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

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

**Section A: Conformance with Chapter 530 of the 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.
- 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 530.120 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 located up to the front property line along Central Avenue NE; however, it is not located at the corner of 18<sup>th</sup> Avenue NE and Central Avenue NE. There are no plans for new construction on the subject property. The applicant is proposing to make several landscaping improvements at the corner of the property.

The principal entrance to the building faces east along Central Avenue NE. In addition there are four overhead garage doors facing east along Central Avenue NE for vehicular access.

The on-site accessory parking lot for employees and customers is presently located at the corner of the site along 18<sup>th</sup> Avenue NE and Central Avenue NE. In addition, there is vehicle storage for 10 spaces within the principal building.

No sides of the building are over 25 feet in length and void of windows, entries, recesses or projections, or other architectural elements.

The exterior materials of the structure are brick; the north side of the building has been painted white.

The principal entrance is clearly defined with an existing canopy and lighting.

The front façade facing Central Avenue NE exceeds the minimum glazing. There are no windows facing the on-site parking lot located on the north side of the building. However, this is an existing condition of the building.

The existing roof is a flat. This roof type appears to be visually consistent with other structures in the area

**ACCESS AND CIRCULATION:**

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **Transit shelters shall be well lighted, weather protected and shall be placed in locations that promote security.**
- **Vehicular access and circulation shall be designed to minimize conflicts with pedestrian traffic and surrounding residential uses.**
- **Traffic shall be directed to minimize impact upon residential properties and shall be subject to section 530.140 (b).**
- **Site plans shall minimize the use of impervious surfaces.**

***Conformance with above requirements:***

The applicant has shown paved areas connecting the principal entrances to the adjacent public sidewalk.

There are no transit shelters within the proposed development; however, there are north and southbound Metro Transit stops located at the intersection of 18<sup>th</sup> Avenue NE and Central Avenue NE.

There will be two curb cuts along Central Avenue NE where the vehicles enter and exit from the site. The applicant is proposing to close the curb cut along 18<sup>th</sup> Avenue NE, which is directly across the street from residential uses.

The site plan shows a decrease in the impervious surface by 9 percent.

**LANDSCAPING AND SCREENING:**

• **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**

• **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**

• **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**

• **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**

• **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**

- **A decorative fence.**
- **A masonry wall.**
- **A hedge.**

• **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**

• **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**

• **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**

• **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**

• **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible.**

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- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**

- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**

- **The city planning commission may approve the substitution or reduction of landscaped plant materials, landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

The zoning code requires at least 20 percent of the site not occupied by buildings be landscaped. The lot area is 34,642 square feet and the building footprint is 19,192 square feet. The lot area minus the building footprint therefore consists of approximately 15,450 square feet. At least 20 percent of the net site area (3,090 square feet) must be landscaped and the applicant is providing approximately 3,097 square feet, which equals 20 percent of the net site area. However, approximately 150 square feet of the proposed landscaped area is designated for snow storage. There are five provided parking stalls in excess of the minimum required number. Staff believes that the applicant should provide the snow storage area within the excess parking area and allow for the required amount of landscaped area.

The zoning code requires at least one canopy tree for each 500 square feet and at least one shrub for each 100 square feet of required green space. The tree and shrub requirement for this site is 6 and 31 respectively. The applicant has shown 6 deciduous canopy trees and 32 shrubs.

In addition, not less than one tree shall be provided for each twenty-five feet of parking lot frontage. There is approximately 75 feet of parking lot frontage along Central Avenue NE and 125 feet of parking lot frontage along 18<sup>th</sup> Avenue NE. The applicant is showing 4 canopy trees along 18<sup>th</sup> Avenue NE but none along Central Avenue NE. Staff believes that the applicant has sufficient area to provide the additional 4 canopy trees along the parking lot frontage.

A landscaped yard of at least 7 feet wide shall be provided along the public street or sidewalk. The applicant is providing a 7 foot landscaped area adjacent to public sidewalk along both streets.

Screening not less than three feet in height and not less than 60 percent opaque is required along the public street or sidewalk. The applicant is proposing to install a 3 foot, wrought iron fence with landscaping adjacent to 18<sup>th</sup> Avenue NE. The applicant is proposing to install a 3 foot, wrought iron fence adjacent to Central Avenue NE. Staff believes that the proposed screening and landscaping allow for views of traffic and enhance the natural surveillance of the site and is recommending that the City Planning Commission grant alternative compliance to providing screening not less than 60% opaque by instead providing perennials in the landscaped area.

The corners of parking lots where rows of parking spaces leave unavailable area for parking shall be landscaped. In addition, parking lots of ten (10) spaces or more shall be located no more than fifty feet from the center of an on-site deciduous tree. Tree islands located within the interior of the parking lot shall have a minimum width of seven feet in any direction. The applicant has shown landscaped corners, parking spaces within 50 feet of an on-site tree and a tree island of 8 feet in width and 36 feet in depth.

Turf, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees shall cover all areas that are not paved or landscaped.

**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.**

*Conformance with above requirements:*

The on-site parking for employees and the perimeter of the parking area for buses is curbed according to the approved plan from 2008.

There are no proposed changes to the building. The building does not impede any views of important elements of the city.

There are no proposed changes to the building. The building does not significantly shadow the adjacent streets or properties.

Wind currents should not be of major concern.

The site design provides natural surveillance and visibility to allow views into the area.

The existing structures are neither historic nor eligible for historic designation.

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

**ZONING CODE:** The site is zoned I1. A minor automobile repair use is a conditional use in the I1 District.

**Parking and Loading:**

*Minimum automobile parking requirement:* The minimum off-street parking requirement for the proposed use is 1 space per 500 square feet of GFA in excess of 4,000 square feet excluding service bays (minimum of 4 spaces) plus 1 space per 2 service bays. The floor area devoted to office space is approximately 17,700 square feet and there are 4 service bays. Therefore, the minimum parking requirement is 35 spaces. There are 30 off-street parking spaces available in the north parking lot and 10 parking spaces are located within the existing building. .

*Maximum automobile parking requirement:* The maximum off-street parking requirement for the proposed use is 1 space per 200 square feet of GFA plus 2 spaces per service bay. The maximum automobile parking for the site would be 97 spaces.

*Bicycle parking requirement:* There is not a bicycle parking requirement for a minor automobile repair use. The applicant is proposing to locate a bicycle parking rack in front of the building along Central Avenue NE. Given the narrowness of the sidewalk in this location staff is recommending that the bicycle parking rack be located in the parking lot.

*Loading:* There is one small loading space required. Loading occurs via an existing overhead door at the northwest corner of the structure and there is sufficient area to allow for one small loading space within the existing structure.

**Maximum Floor Area:** The maximum floor area ratio in the I1 District is 2.7. The lot area is 34,642 square feet and the building floor area, other than area devoted to parking, is 17,292 square feet. The existing floor area ratio is .5.

**Height and Bulk:** The maximum building height in the I1 District is limited to four stories or 56 feet, whichever is less. The existing structure is one-story and approximately 12 feet in height and 16 feet to the top of the parapet.

**Minimum Lot Area:** There is not a minimum lot area requirement for a minor automobile repair use.

**Dwelling Units per Acre:** There are no dwelling units proposed.

**Yard Requirements:** The subject site is zoned I1 and there are no yard requirements along the four property lines.

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**Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the I1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, 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 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. There are existing walls signs located on the canopy facing Central Avenue. There is an additional painted wall sign on the north wall of the existing building that is nonconforming. The applicant is proposing a new monument sign located at the corner of 18<sup>th</sup> and Central Avenues NE.

**Refuse screening:** Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent uses. The dumpster is proposed to be located in the existing structure.

**Lighting:** Lighting proposed for the development shall comply with Chapter 536 Specific Development Standards for the canopy lighting, Chapter 535 and Chapter 541 of the zoning code including:

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

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

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) 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.
- (3) 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.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

**MINNEAPOLIS PLAN AND RELEVANT SMALL AREA PLANS:**

See finding number 5 for the Conditional Use Permit.

**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, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

Alternative compliance is requested by the applicant for the following standards:

- The zoning code requires at least 20 percent of the site not occupied by buildings be landscaped. The lot area is 34,642 square feet and the building footprint is 19,192 square feet. The lot area minus the building footprint therefore consists of approximately 15,450 square feet. At least 20 percent of the net site area (3,090 square feet) must be landscaped and the applicant is providing approximately 3,097 square feet, which equals 20 percent of the net site area. However, approximately 150 square feet of the proposed landscaped area is designated for snow storage. There are five provided parking stalls in excess of the minimum required number. Staff believes that the applicant should provide the snow storage area within the excess parking area and allow for the required amount of landscaped area.
- Not less than one tree shall be provided for each twenty-five feet of parking lot frontage. There is approximately 75 feet of parking lot frontage along Central Avenue NE and 125 feet of parking lot frontage along 18<sup>th</sup> Avenue NE. The applicant is showing 4 canopy trees along 18<sup>th</sup> Avenue NE but none along Central Avenue NE. Staff believes that the applicant has sufficient area to provide the additional 4 canopy trees along the parking lot frontage.
- Screening not less than three feet in height and not less than 60 percent opaque is required along the public street or sidewalk. The applicant is proposing to install a 3 foot, wrought iron fence with landscaping adjacent to 18<sup>th</sup> Avenue NE. The applicant is proposing to install a 3 foot, wrought iron fence adjacent to Central Avenue NE. Staff believes that the proposed screening and landscaping allow for views of traffic and enhance the natural surveillance of the site and is recommending that the City Planning Commission grant alternative compliance to providing screening not less than 60% opaque by instead providing perennials in the landscaped area.

## **RECOMMENDATIONS**

### **Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a minor automobile repair use located at 1708 Central Avenue NE in the I1 Medium Industrial District and IL Industrial Living Overlay District, subject to the following conditions:

- 1) The Community Planning and Economic Development - Planning Division shall review and approve the final plans prior to permitting.
- 2) 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.
- 3) The conditional use shall comply with the specific development standards for a minor automobile repair use in Chapter 536 of the zoning code.

### **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 a site plan review to allow a minor automobile repair use located at 1708 Central Avenue NE in the I1 Medium Industrial District and IL Industrial Living Overlay District, subject to the following conditions:

- 1) CPED Planning staff review and approval of the final site, elevations and landscaping plans.
- 2) All site improvements shall be completed by January 9, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
- 3) At least 3,090 square feet (20 percent of the net lot area) of landscaped area shall be provided on-site and at least 10 deciduous canopy trees, 8 shall be provided adjacent to the public sidewalks along 18<sup>th</sup> and Central Avenues NE, and 32 shrubs shall be provided as required by section 530.160 of the zoning code. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.
- 4) The applicant shall provide perennials adjacent to the wrought iron fence along Central Avenue NE.
- 5) The bicycle parking rack shall be located in the parking lot.

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**Attachments:**

- 1) Preliminary Development Review report created December 27, 2011.
- 2) Written descriptions and findings submitted by the applicant
- 3) Copies of e-mails sent to all applicable neighborhoods and CM Reich explaining the project
- 4) Zoning map
- 5) Future land use map
- 6) Survey
- 7) Site plan
- 8) Photos