

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variances and Site Plan Review
BZZ-5486

Date: March 26, 2012

Applicant: Edina Investment Group, LLC

Address of Property: 640 East Lake Street

Project Name: 640 East Lake Street

Contact Person and Phone: Richard L. Morris, (952) 832-2000

Planning Staff and Phone: Thomas Leighton, (612) 673-3853

Date Application Deemed Complete: February 23, 2012

End of 60-Day Decision Period: April 23, 2012

Ward: 6 **Neighborhood Organization:** Phillips West Neighborhood Organization

Existing Zoning: C2 Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 25

Legal Description: Not applicable for this application

Proposed Use: Automobile Convenience Facility, including a 380 square foot addition to the existing building.

Concurrent Review:

- Conditional Use Permit for an Automobile Convenience Facility
- Variance of the minimum lot area from the required 12,000 square feet to approximately 9,490 square feet
- Variance of the minimum lot width from the required 100 feet to approximately 80.5 feet
- Site Plan Review

Background: Records indicate that the property located at 640 East Lake Street has been used as a gasoline service station from 1939 until the end of 2005, when it ceased to operate and became vacant. The applicant proposes to reestablish an automobile convenience facility on the property, or in common terms a gas station with convenience store. The existing structure would be rehabbed and expanded, and extensive site work would also be involved.

CPED - Planning Division Report
BZZ-5486

The existing building lies partially on the residential property to the north (2946 Park Avenue) and has a legal easement to do so. It also has an easement through that property for a driveway and curb cut, which provides access to the site from Park Avenue. An additional curb cut along Park Avenue, near the Lake Street intersection, was closed during the Hennepin County initiated Lake Street Reconstruction Project in 2006 because it was too close to the intersection.

The proposed alternations to the existing building include a small 381 square foot, one-story addition to the south end of the existing 540 square foot, one-story building. Site improvements include the installation of underground gas tanks, gas pumps, and a service canopy, the relocation of the Park Avenue curb cut so that it no longer cuts across the property to the north, and the installation of decorative fencing and landscaped areas.

The subject site is zoned C2 Neighborhood Corridor Commercial District. Automobile convenience facilities are allowed as a conditional use in the C2 zoning district. Automobile convenience facilities are subject to a minimum lot area of 12,000 square feet, and a minimum lot width of 100 feet. This site is about 9,490 square feet in area, and 80.5 feet wide. The applicant is applying for variances to reduce the required lot area and width to allow the establishment of the facility. Site plan review is required because it is required for all automobile services uses.

This site was the subject of land use applications in 2009 to establish an automobile convenience facility. Approvals were granted, but the facility was not developed so the approvals have lapsed—with the exception that the site was rezoned at that time from C1 to C2.

As part of the 2009 applications, the applicant went through the preliminary development review process. Given that, and the fact that the current development plan is substantially the same as the 2009 plan, the City did not require the applicant to go through the preliminary development review process again in 2012. The comments from the 2009 PDR process are incorporated into this report, and are attached.

The property is a closed petroleum leak site, leak #8968, and soil contamination remains on the site. It is required that prior to any demolition, excavation or grading activities, approval must be obtained from the Minnesota Pollution Control Agency. In addition, two 75-gallon noncompliant underground storage tanks used for the storage of gasoline exist under the surface on the site. These tanks must either be removed or upgraded to current state requirements.

The applicant notified Ward 6 Council Member Robert Lilligren, and the Phillips West Neighborhood Organization about the project on January 25, 2012. Ward 8 Council Member Glidden, and the Central Area Neighborhood Association were also notified.

Staff has received three phone inquiries about the project. In one of these instances, the citizen expressed support for reestablishing the gas station because the site is currently in such terrible condition. Staff will forward any additional comments received to the City Planning Commission for consideration.

CONDITIONAL USE PERMIT: (for an automobile convenience facility in the C2 zoning district)

Findings as required by the Minneapolis Zoning Code:

CPED - Planning Division Report
BZZ-5486

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

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

The applicant proposes to invest in the existing building and the site by improving the façade of the existing building, adding an addition to the south end of the building, and making site improvements consistent with the City's site plan review requirements, putting a site that has been vacant since 2005 back into productive use. The proposed building and site improvements will bring the property up to modern standards. Improved conditions related to lighting, enhanced landscaping, pedestrian access to the building, and regular site maintenance will benefit nearby property owners, offering overall improvement to public health, safety, comfort and general welfare.

- 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.**

Neighboring properties will be positively impacted by the relocation of the driveway onto the subject property, the establishment of a decorative fence and landscaping along the northern property line, and the addition of decorative fencing and landscaping around the perimeter of the site.

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

The site is served by existing utility infrastructure. Access to the site is being modified, but two access points will remain, one on Lake Street and one on Park Avenue. The Public Works Department reviewed this project through the PDR process, and the applicant has been made aware of their site requirements.

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

Parking area entrances are not in close proximity to the Lake Street/Park Avenue intersection. There is no parking requirement for the site, but one handicap parking space is proposed. No additional parking is proposed on the property.

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

The subject property is guided mixed use in the Minneapolis Plan for Sustainable Growth. Mixed use guidance allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district. There is no requirement that every building be mixed use. Lake Street is designated a Commercial Corridor in the City's comprehensive plan, Minneapolis Plan for Sustainable Growth. The following are relevant policies from the comprehensive plan.

Policy 1.11: 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 the continued presence of small-scale, neighborhood serving retail and commercial services in Neighborhood Commercial Nodes.

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.

As additional context, there are only five automobile convenience facilities currently on Lake Street, which is relatively few considering its length. The closest are at Aldrich and 18th Avenues. Given the level of automobile traffic on Lake Street, and its character as a Commercial Corridor, staff believes that an automobile convenience facility at this location is consistent with development policy for the area.

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, the rezoning request, relevant variances, and site plan review.

Conformance with all regulations applicable to the district requires approval of the proposed variance applications, and compliance with the site plan review regulations and the specific development standards that pertain to automobile convenience facilities. If the proposed development meets these requirements it will be in conformance with the regulations of the district and the City's zoning code.

VARIANCE: (from the required 12,000 square feet of lot area to approximately 9,290 square feet, and from the required 100 feet of lot width to approximately 80.5 feet)

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

1. Practical difficulties exist in complying with the ordinance because of circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

The applicant is seeking a variance to reduce the required lot area and lot width of the site in order to reestablish an automobile convenience facility. An automobile convenience facility has been in existence at this location since 1939, even though the site is fairly compact. An automobile convenience facility is an allowed use in the C2 zoning district. The reestablishment of an automobile convenience facility would be a reasonable use of the property.

The historical use of the site, and the existing dimensions of the site are conditions that constrain its reuse, and were not created by the property owners. Practical difficulties exist with respect to increasing the size of the site because it would require the purchase and demolition of the triplex property to the

north of the site—an acquisition of 4,800 square feet of lot area and 41 feet of width to achieve an increase in area of about 2,700 square feet, and width of about 20 feet.

2. **The property owner or authorized applicant proposes to use the property in a reasonable manner that will be in keeping with the spirit and intent of the ordinance and the comprehensive plan.**

Granting the variance for reduced lot area and lot width will result in a compact automobile convenience facility, and along with it many site improvements as detailed above that would benefit the surrounding community relative to existing conditions. These improvements would further City goals and objectives in ways that are supported by the City's comprehensive plan and zoning code.

3. **The proposed variance will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. If granted, the proposed variance will not be detrimental to the health, safety, or welfare of the general public or of those utilizing the property or nearby properties.**

Granting the proposed lot area and lot width variances would result in the reestablishment of a compact automobile convenience facility. It would not alter the essential character of the surrounding neighborhood, nor would it be injurious to the use and enjoyment of other property in the vicinity. It would have little impact on traffic congestion in the adjacent public streets. Fire risks are mitigated by the regulations and compliance checks pertaining to this type of facility. No other detrimental impacts to the public welfare or safety are foreseen.

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.

CPED - Planning Division Report
BZZ-5486

- 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:

CPED - Planning Division Report
BZZ-5486

The existing building is located at the back of the lot due to its existing placement. The addition would also not comply with the City's building location requirements. The applicant is proposing alternative compliance for this condition as noted below.

The front façade of the building is proposed to utilize two durable façade materials—stucco and tile. The other sides of the building would be stucco. Few additional architectural features give character to the building. The rear façade of the building includes a blank wall of over 25 feet. The applicant has indicated that the final submission will include improvements to the architectural character of the building.

The proposed building entrance is not emphasized through architectural features. The applicant has indicated that this condition will be addressed in the final submission.

The required window area is 194 square feet in walls that face the on-site parking lot, and public streets. 243 square feet is proposed. Most of the proposed windows are vertical in proportion, but some are horizontal. Shelving is not proposed in front of the windows.

The proposed addition will have a shed roof, consistent with the existing building and other buildings along this part of Lake Street.

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 proposed sidewalk that would connect the front entrance to the public sidewalk is four feet in width. It would be lit by a pole light at the south, and a wall fixture at the building.

Vehicular access to the parking lot is located well away from the Lake Street/Park Avenue intersection. The new curb cut on Park Avenue would be 22 feet in width. The relocation of this curb cut to the south would reduce the impact on the neighboring property to the north.

Landscaping is provided at the perimeter of the parking area, as discussed in the next section.

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.

CPED - Planning Division Report
BZZ-5486

- 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 net site area is 8,570 square feet because the total property area is 9,490 square feet, and the proposed building occupies about 920 square feet. The required landscaping area is thus 1,740 square feet. 1,656 square feet of landscaped area is proposed.

The zoning code requires at least one canopy tree for each 500 square feet of required green space and at least one shrub for each 100 square feet of required green space. Three trees and seventeen shrubs are thus required for this site overall. Seven trees and 23 shrubs are proposed. The zoning code requirement is for the trees to be 2.5 inch caliper, rather than the 1.5 inch caliper trees that are proposed in the site plan.

In addition to the overall landscaping requirement, a seven foot wide landscaped yard is required between the parking area and each of the two public street frontages for the purposes of providing landscaping and screening around the perimeter of the parking area. The screening requirement is for landscaping and/or fencing that is 3 feet in height and not less than 60 percent opaque. The proposed site plan includes juniper shrubs that may serve this screening purpose, but the variety of shrub is not identified. The ordinance also requires one tree for every 25 linear feet of parking area lot frontage. This site has 147 feet of parking area lot frontage, so the requirement is for 6 trees to be included in the landscaped areas. Five are proposed.

All corners of the parking lot that are not available for parking would be landscaped.

With respect to the deficiency in landscaped area, the applicant has proposed to provide alternative compliance through increasing the number and variety of plants in the landscaped areas, as well as making improvements to the architectural character of the building. These improvements will be part of the final site plan submission.

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:

There is opportunity to capture some of the stormwater onsite in the proposed landscaped areas. In the former PDR review, Public Works staff directed the applicant to “direct stormwater to pervious surfaces as possible through Low Impact Development (LID) techniques.”

The building placement is existing, and has little impact on viewsheds or ground level wind currents. There is some shadowing of the property to the north.

The site plan includes CPTED elements, including visibility in and out of the store, good visibility into and through the property from the street, exterior lighting, and clear delineation of public and private spaces.

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

Parking and Loading:

Minimum automobile parking requirement: The minimum requirement for this development is 0 parking spaces. One parking space is provided. It is a handicap parking space.

Maximum automobile parking requirement: The maximum number of parking spaces allowed is 1 space per 200 square feet of floor area, or 5 parking spaces.

CPED - Planning Division Report
BZZ-5486

Bicycle parking requirement: No bicycle parking spaces are required by the zoning code. None are proposed. Given the small site, and the lack of automobile parking spaces other than a single handicap parking space, staff proposes the provision of four bicycle parking spaces as a condition of approval.

Loading: An automobile convenience facility of this size is required to provide “adequate shipping and receiving facilities ... on the same zoning lot.”

Maximum Floor Area: The maximum floor area ratio for an automobile convenience facility in the C2 zoning district is 1.7. The proposed FAR is 0.1.

Minimum Lot Area: The minimum lot area for an automobile convenience facility in the C2 zoning district is 12,000 square feet. The existing lot area is 9,490 square feet. This condition is proposed to be addressed through the variance application.

Building Height: The maximum building height for an automobile convenience facility in the C2 zoning district is 4 stories or 56 feet. The existing building, and its proposed addition, are only one story.

Yard Requirements: Existing conditions determine the setbacks between the existing building, and the property to the north. The same is true of the building and the public alley to the west. The required front yard setback along Park Avenue is 15 feet for the northernmost 40 feet of the property. The parking lot encroaches into that area for a short distance immediately south of the Park Avenue curb cut. However, the existing condition of 0’ setback along the Park Avenue right of way confers grandfather rights, so the proposed parking lot setback of 7 feet is an improvement and represents a reduction in this nonconformity.

Building Lot Coverage: There is no maximum lot coverage in the C2 zoning district.

Impervious Surface: There is no maximum impervious surface coverage in the C2 zoning district.

Specific Development Standards: Automobile convenience facilities have five specific development standards, as follows.

- (1) The sale or repair of vehicles shall be prohibited.
- (2) 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.
- (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 total light output used for illuminating service area canopies shall not exceed forty (40) initial bare-lamp lumens per square foot of canopy.
- (5) 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.

CPED - Planning Division Report
BZZ-5486

- (6) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

The applicant is subject to each of these. The final site plan submission should include sufficient information to allow evaluation of the two standards related to lighting.

Refuse Screening: 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.

A refuse enclosure is proposed in the site plan, to be constructed of concrete block with a wood gate. This would yield a durable enclosure, and if the block is not plain-faced block it should be sufficiently compatible with the proposed stucco façade of the building.

Screening of Mechanical Equipment: There is no proposed mechanical equipment that is exterior to the building.

Lighting: Lighting must comply with 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 arranged so as not to 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 source.
- (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
- (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.

The site plan shows proposed wall mounted lighting at the south side and rear of the building, and pole mounted lighting along the east and south perimeter of the property. Fixture details are not available at this time.

Fences: Fences are subject to the regulations found in Chapter 535, Article VI of the zoning code. Three foot high fencing consistent with the Lake Street reconstruction standard is proposed along the

CPED - Planning Division Report
BZZ-5486

east, south, and west property lines. A combination of decorative fencing types is proposed between the subject property and the property to the north.

Signs: A proposed signage plan has not been submitted. Signage must comply with the requirements of Chapter 543 of the zoning code and will require Zoning Office review, approval, and permits.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH

In addition to policies noted above in the conditional use permit section, the following Urban Design policies are relevant.

Policy 10.10: Support urban design standards that emphasize a traditional urban form in commercial areas.

10.10.7 Encourage the renovation of existing commercial buildings.

Policy 10.11: Seek new commercial development that is attractive, functional and adds value to the physical environment.

10.11.2 Ensure that new commercial developments maximize compatibility with surrounding neighborhoods.

Policy 10.18: Reduce the visual impact of automobile parking facilities.

10.18.1 Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses.

10.18.2 Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines.

10.18.4 Provide walkways within parking lots in order to guide pedestrians through the site.

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.

10.19.2 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.

SMALL AREA PLANS

The site is within the boundaries of two adopted small area plans—Phillips West Master Land Use Plan, and Midtown Minneapolis Land Use and Development Plan.

In the 2009 Phillips West Master Land Use Plan, the site is guided Commercial, with Mixed Use Preferred, in the Proposed Land Use map. The plan calls for economic development, including the following direction. “Revitalize Lake Street, the primary commercial corridor in the Neighborhood. There are several immediate opportunities to redevelop vacant parcels and other low density, low lot coverage parcels. The neighborhood supports redevelopment that would increase density along Lake Street with 4-9 story mixed-use that has parking behind or below the buildings.”

The Midtown Minneapolis Land Use and Development plan, adopted in 2005, called for residential development on the north side of Lake Street between Portland and Park Avenues.

The reestablishment of a gas station at this location doesn’t fully meet the approved vision for this part of Lake Street, the proposed development is allowed by City regulation and will eliminate a source of blight on the corridor.

ALTERNATIVE COMPLIANCE:

The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:

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

Alternative compliance is requested as a result of the location of the building addition, the rear blank wall of greater than 25 feet, the proposed landscaping area of less than 20% of the net site area. The applicant has proposed to provide alternative compliance through increasing the number and variety of plants in the landscaped areas, as well as making improvements to the architectural character of the building. These improvements would contribute meaningfully to the public experience of the site. They will be part of the final site plan submission.

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 application for a

CPED - Planning Division Report
BZZ-5486

conditional use permit for an automobile convenience facility for the property located at 640 East Lake Street, subject to the following conditions:

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.
2. The applicant must comply with the specific development standards for automobile convenience facilities as set forth in chapter 546 of the Minneapolis Zoning Code.
3. Any proposed lighting and signage must comply with Chapters 535 and 543 of the Minneapolis Zoning Code.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for variances from the required 12,000 square feet of lot area to approximately 9,490 square feet, and from the required 100 feet of lot width to approximately 80.5 feet for the property located at 640 East Lake Street.

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission **approve** the site plan review application for the reestablishment of an automobile convenience facility with gas pumps at the property located at 640 East Lake Street, subject to the following conditions:

1. The final site, elevation, landscaping and lighting plans shall be subject to review and approval by Planning staff before building permits may be issued.
2. The building entrance 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.
3. The building façade shall utilize windows that are vertical in proportion.
4. For alternative compliance, the architectural character of the east and south faces of the building shall be enhanced, and the number and variety of plant materials shall be increased in the landscaping areas along Park Avenue and Lake Street.
5. A total of six trees shall be planted in the landscaped areas adjacent to the public street, and new trees shall be a minimum caliper of 2.5 inches.
6. The concrete blocks utilized in the dumpster enclosure shall not be plain-faced concrete blocks.
7. The walkway between the public sidewalk and building shall be kept free of obstructions in a manner that allows four feet of clearance. The walkway shall be protected from encroachment of vehicles by wheel stops or similar barriers.
8. Four bicycle parking spaces shall be provided.

CPED - Planning Division Report
BZZ-5486

9. Onsite filtration of stormwater shall be provided by discontinuous curbing, and appropriate stormwater BMPs (Best Management Practices) where recommended by public works staff.
10. Upon relocation of the Park Avenue driveway and curb cut, the applicant shall restore the neighboring property to public works standards, including restoration of street curbing, new sidewalks and lawn.
11. All site improvements shall be completed by March 26, 2013, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- 1) Applicant statements
- 2) PDR report
- 3) Zoning map
- 4) Plans
- 5) Photos