

**Department of Community Planning and Economic Development – Planning Division**  
Conditional Use Permit & Site Plan Review  
BZZ-2352

**Date:** July 18, 2005

**Applicant:** Speedway SuperAmerica LLC

**Address of Property:** 300 Broadway Street Northeast & 901-911 University Street Northeast

**Project Name:** Speedway SuperAmerica

**Contact Person and Phone:** David L. Thomas, (651) 454-7776 x217

**Planning Staff and Phone:** Janelle Widmeier, (612) 673-3156

**Date Application Deemed Complete:** June 14, 2005

**End of 60-Day Decision Period:** August 13, 2005

**Ward:** 3

**Neighborhood Organization:** Saint Anthony West & Sheridan Neighborhood Associations

**Existing Zoning:** C2, Neighborhood Corridor Commercial District

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

**Zoning Plate Number:** 9

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

**Proposed Use:** Automobile convenience facility

**Concurrent Review:**

**Conditional use permit:** For an amendment to the existing conditional use permit to allow an existing automobile convenience facility to expand onto an adjacent property to add parking.

**Site plan review:** For an expansion of an automobile convenience facility.

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

**Background:**

David L. Thomas, on behalf of Speedway SuperAmerica LLC, is proposing additional parking at 901 University Avenue Northeast for the existing automobile convenience facility at 300 Broadway Street & 911 University Avenue Northeast. The site is on the Southeast corner of Broadway and University and

Minneapolis City Planning Division Report  
BZZ -2352

extends South to 9<sup>th</sup> Avenue. Residential uses are located on the adjacent properties to the East. A building, service area canopy, and 15 parking spaces exist on the site. A liquor store building was demolished in 1992 on the property of 901 University Avenue Northeast and has remained vacant since that time. This is where the auto convenience facility proposes to expand its parking area. Eight additional parking spaces are proposed. The parking areas currently can be accessed from Broadway Street, University Avenue, and 9<sup>th</sup> Avenue. Also, the applicant is proposing a large landscaped area (approximately 3,000 square feet) at the corner of 9<sup>th</sup> and University Avenues with several features requested by the Saint Anthony West Neighborhood Group. A site plan review is required for an expansion of any automobile service use. The existing facility obtained site plan approval in 1992. An automobile convenience facility with fuel pumps is allowed as a conditional use in the C2 District. The existing facility is deemed to have a conditional use permit. The expansion for the parking required a modification of the conditional use permit. The Saint Anthony West & Sheridan Neighborhood Associations were informed of this application on June 27, 2005. As of the writing of this report, staff has not received any correspondence from the neighborhood group. 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 proposed parking area will include required improvements such as paving, striping, and screening, which clearly delineate the parking area. Adequate access to the site currently exists. The proposed landscaping at the corner of 9<sup>th</sup> and University Avenues will act as a buffer between the residential uses across 9<sup>th</sup> Avenue as well as provide a walkway around the parking area for pedestrian access. The expansion of land and additional parking will not change the nature of the use, and therefore will likely not be detrimental to or endanger the public health, safety, comfort or 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.**

The area around the subject site is fully developed and includes residential and nonresidential uses. The applicant worked with the neighborhood group to develop the design for the proposed parking and landscape areas. The new parking area will mainly be used for employee parking, and will likely have less traffic effects on the adjacent residential properties. This automobile convenience facility has existed at the site for over 12 years. Staff believes the proposed expansion on the site will have little impact to the surrounding properties.

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

Utilities and access roads are existing and adequate. A drainage plan will also be reviewed by Public Works at the final site plan stage.

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

The parking requirement for the use is 12 spaces. With the addition of 8 spaces, a total of 23 spaces are proposed. Public Works is requiring closure of the curb cut access on 9<sup>th</sup> Avenue. Additional parking spaces may be proposed with the closure of the curb cut access on 9<sup>th</sup> Avenue. Even with the closure of one curb cut, the three other curb cuts allow traffic movement to and from the site and should not increase traffic congestion in the streets. Closure of the 9<sup>th</sup> Avenue curb cut will lessen the traffic on a residential street.

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

*The Minneapolis Plan* designates this part of Broadway and University as community corridors. The plan states that, “community corridors are locations that support new residential development at medium density and increased housing diversity in our neighborhoods. They support limited commercial uses, which are measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Design and development along these streets is oriented towards the pedestrian experience. The streets, which form the spine of the community corridors, carry fairly high volumes of traffic, but must balance vehicular travel against residential quality of life. These streets are also important identifiers and travel routes for neighborhood residents and pass-through traffic.” The plan has the following relevant policy for community corridors:

Section 4.2 states that, “Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on the streets.”

The intersection of Broadway and University is designated as a neighborhood commercial node as well. The plan has the following relevant policy for neighborhood commercial nodes:

Section 4.5 states that, “Minneapolis will identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas.”

In the City Form chapter found in the *Minneapolis Plan*, Policy 9.12 states that, “Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.” Also included in this chapter, Policy 9.15 states that, “Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.” The applicant is proposing a large landscaped area (approximately 3,000 square feet as shown on the plan) at the corner of 9<sup>th</sup> and

Minneapolis City Planning Division Report  
BZZ -2352

University. The landscaped area will include a pedestrian walkway from the sidewalk intersection towards the entrance of the convenience facility, which reflects the pedestrian character typical of the urban form. Closing the curb cut on 9<sup>th</sup> Avenue will also create a more appropriate transition to a residential neighborhood.

Although the expansion of an automobile convenience facility is not an ideal use for a community corridor because of the potential impacts on adjacent residential uses, the expansion incorporates several amenities for the existing use and the surrounding area. Therefore, the proposed changes make the site more consistent with these goals of the comprehensive plan.

**6. And, does in all other respects conform to the applicable regulations of the district in which it is located upon approval of this conditional use permit.**

The site does not comply with several regulations due to existing conditions, including curb cut widths, yard setbacks, and hours of operation. However, these conditions are legally nonconforming. If the nonconformities were made conforming, these rights would be lost.

Two curb cuts are 40 feet in width, which exceeds the maximum width of 35 feet allowed.

In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m. The existing hours of operation are 24 hours a day, Sunday through Saturday. Businesses operating 24 hours a day before 1983 and have continued operating during those hours have nonconforming rights to those hours. These hours were established before the code requirements changed, therefore the SuperAmerica has nonconforming rights to these hours.

Current code requires an interior side yard setback of 5 feet along the East property because the site is adjacent to a residential use. Also, a front yard setback of 6 ½ feet is required for the first forty feet from the residential property to the East. A driveway for the parking area exists in those required yards. A driveway is a permitted obstruction as long as it is 5 feet from the interior side property line. The existing driveway is setback only 2 feet. Because the driveway existed before the code required a yard in these locations, nonconforming rights exist for a driveway. Closure of the 9<sup>th</sup> Avenue curb cut and removal of the driveway will make the yards conforming.

The use of the site for an automobile convenience facility will conform to the applicable regulations of the district in which it is located other than the items described above upon the approval of the conditional use permit and site plan review. The expansion area will conform to all applicable regulations of the district in which it is located.

**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 Zoning Code**

**BUILDING PLACEMENT AND FAÇADE:**

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

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

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

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

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

Minneapolis City Planning Division Report  
BZZ -2352

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

**Minimum window area shall be measured as indicated in section 530.120 of the zoning code.**

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

The building is existing, but is located at the rear of the site. The entrance faces the fuel pumps. The façade facing the fuel pumps meets the 30 percent window requirement. The primary exterior material is brick.

#### **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.**

A 5-foot wide pedestrian walkway connects the entrance to the sidewalk on Broadway and to the parking area located next to the building. There are no transit stops at this corner; however, a stop exists just North of Broadway. Curb cuts are well spaced, which allow a safe location for pedestrians to stand or walk.

Public Works is requiring closure of the curb cut access on 9<sup>th</sup> Avenue. Closing the curb cut access on 9<sup>th</sup> Avenue reduces vehicular conflicts with pedestrians and will minimize traffic impacts on a street that has primarily residential uses. Removing street access eliminates the need for a driveway at the South end of the site. The driveway should be removed and the landscape area should be extended to the East property line to reduce the amount of impervious surface on the site. More green space will allow for more on-site filtration of stormwater. For these reasons, staff is recommending that the Commission also require closure of this curb cut, and require removal of the asphalt driveway and installation of landscaping, including at least three trees, where the driveway currently is.

Minneapolis City Planning Division Report  
BZZ -2352

Even subject to the condition described above, the South half of the site has a large amount of impervious surface for vehicle maneuvering i.e. areas not designated for parking or loading of vehicles. The applicant is proposing add more impervious surface to the site by paving further South. Furthermore, proposing more parking than is required by code does not minimize the use of impervious surfaces. Although staff is recommending approval for an additional parking area, staff is recommending that the Commission restrict the area of paving to the existing bituminous edge, or 12 feet further North than the applicant is proposing. This would still allow 18 feet deep parking stalls between the curb cut and the edge of existing paving. In addition, a drive aisle that would greatly exceed the minimum required 22 feet for parking stalls angled at 90 degrees would still be provided. Maneuvering in and out of the parking spaces and entering and exiting of traffic through the 40 foot curb cut adjacent to these spaces will not be inhibited. The recommended parking boundary can be allowed to extend East up to the required 5 foot interior side yard adjacent of the residential property if the applicant proposes additional parking once the curb cut and driveway are removed.

**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.**

Minneapolis City Planning Division Report  
BZZ -2352

The zoning code requires that a least 20 percent of the site not occupied by the building be landscaped. The lot area of the site is 43,750 square feet. The footprint of the building is 4,000 square feet. When you subtract the footprint from the lot size the resulting number is 39,750 square feet. Twenty percent of this number is 7,950 square feet. The applicant has a total of 9,372 square feet, or 23.3 percent of the site landscaped.

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. The tree and shrub requirement for this site is 16 and 80 respectively. The applicant is providing a total of 10 canopy trees, 2 decorative trees, 5 coniferous trees, 95 shrubs and 622 perennials and ornamental grasses.

The plan meets all screening requirements with a 6 foot high wood fence on the East side of the property and with hedges providing screening between the parking areas and the street. All parking spaces are within 50 feet of a tree. Thirteen trees are also required along the periphery of the parking areas, but only ten are proposed. If the Commission requires that as part of the condition to close the curb cut on 9<sup>th</sup> Avenue at least three trees are planted, then alternative compliance is not required for the number of trees proposed.

The landscape yards at the North end of the site do not meet the minimum width requirement of 7 feet. The existing yards are 4 to 5 feet wide. Staff is recommending alternative compliance to allow the existing widths to remain because continuous concrete curbing and some landscaping exists as well. It would be impractical to remove and replace 100 linear feet of curbing and 500 square feet of landscaping to gain less than 300 square feet of landscaping. New curbing and landscaping would also encroach on existing underground storage tanks.

The existing 2 foot wide yard along the East property adjacent to the residential use at 317 9<sup>th</sup> Avenue Northeast does not meet the minimum 7 foot landscaped yard requirement as well. If the Commission requires the condition that the curb cut on 9<sup>th</sup> Avenue is closed, the driveway is removed, and landscaping, including at least three trees, is installed up to the East property line, alternative compliance is not required.

**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.
- Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.
- Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.
- 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

Minneapolis City Planning Division Report  
BZZ -2352

- 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.

Continuous concrete curbing has been installed for the existing facility. The applicant is proposing continuous concrete curbing around the new parking area. Staff is recommending that the applicant install wheel stops or discontinuous concrete curbing to allow some on-site filtration of stormwater in the new landscaped area. Staff is also encouraging the applicant to look at directing stormwater runoff for the parking area toward the new landscaped area to allow on-site filtration of stormwater.

Lighting will comply with the requirements of Chapter 535 and Chapter 541. Screening is either existing or proposed that will prevent headlights from shining on adjacent residential properties. The proposed landscaping follows the 3 foot - 7 foot rule, which states that plantings should not exceed three feet in height and that the canopies of trees should be over seven feet in height allowing a window of visibility into the site.

**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 proposed use is conditional in the C2 District.

**Off-Street Parking and Loading:** The zoning code requires 12 parking spaces including one handicap accessible space. The applicant proposes 23 parking spaces including one van-accessible handicap space.

**Maximum Floor Area:** The maximum FAR in the C2 District is 1.7. The lot in question is 43,750 square feet in area. The existing gross floor area is 4,000 square feet with an FAR of 0.1.

**Building Height:** Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. The existing building is one-story.

**Minimum Lot Area:** The C2 District requires not less than 12,000 square feet of lot area and a minimum lot width of 100 feet for an automobile service use with fuel pumps. The applicant proposes 43,750 square feet with a lot width of 110 feet.

**Yard Requirements:** Current code requires an interior side yard setback of 5 feet along the East property because the site is adjacent to a residential use to the East. Also, a front yard setback of 6 ½ feet is required for the first forty feet from the residential property. A driveway for the parking area exists in those required yards. However, the driveway existed before the code required a yard in these locations. Therefore, nonconforming rights exist for a drive way. No other district setback yards are required.

Minneapolis City Planning Division Report  
BZZ -2352

**Specific Development Standards:** Chapter 536, Specific Development Standards, requires the following for an automobile convenience facility:

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

The applicant has indicated that these standards will be met.

**Hours of Operation:** In the C2 District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m.; Friday and Saturday from 6:00 a.m. to 11:00 p.m. The existing hours of operation are 24 hours a day, Sunday through Saturday. These hours were established before the code requirements changed, therefore the SuperAmerica has nonconforming rights to these hours.

**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. The applicant does not propose any new signage.

**Refuse storage:** Section 535.80. 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 residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. A dumpster enclosure is provided.

**MINNEAPOLIS PLAN:** Please see finding number 5 under the conditional use permit section of this report.

**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

Minneapolis City Planning Division Report  
BZZ -2352

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 necessary for some of the required landscaped yards to allow them to be less than 7 feet in width. The landscape yards at the North end of the site do not meet the minimum width requirement of 7 feet. The existing yards are 4 to 5 feet wide. Staff is recommending alternative compliance to allow the existing widths to remain because continuous concrete curbing and some landscaping exists as well. It would be impractical to remove and replace 100 linear feet of curbing and 500 square feet of landscaping to gain less than 300 square feet of landscaping. New curbing and landscaping would also encroach on existing underground storage tanks.

If the staff recommendations for conditions of approval of the site plan are approved, other alternative compliance is not necessary.

## **RECOMMENDATIONS**

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to expand the automobile convenience facility located at 300 Broadway Street Northeast & 901-911 University Street Northeast.

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

The Community Planning and Economic Development - Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for Speedway SuperAmerica located at 300 Broadway Street Northeast & 901-911 University Street Northeast; subject to the following conditions:

1. CPED Planning staff review and approval of the final site and landscaping plans.
2. All site improvements shall be completed by July 18, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. The curb cut access from 9<sup>th</sup> Avenue shall be closed and the driveway shall be removed. Landscaping including at least three trees shall be installed and extended to the East property line where the driveway currently is.

Minneapolis City Planning Division Report  
BZZ -2352

4. The new parking area shall not extend past the edge of the existing bituminous paving (50 feet from the South property line), but may be extended up to the required 5 foot interior side yard setback along the East property line. This area shall be landscaped.
5. Wheel stops or discontinuous concrete curbing shall be installed along the South perimeter of the parking area to allow some on-site filtration of stormwater in the new landscaped area. The applicant is encouraged to look at directing stormwater runoff for the parking area toward the new landscaped area to allow for additional on-site filtration of stormwater.

**Attachments:**

1. Zoning code information sheet
2. Statement of use
3. Findings
4. Correspondence
5. Zoning map
6. Plans
7. Photos