

Department of Community Planning and Economic Development – Planning Division
Variances, Site Plan Review
BZZ-2149

Date: February 7, 2005 (continued from January 10, 2005)

Applicant: John Grausam

Address of Property: 2907 Central Avenue N.E.

Project Name: Lowry Repair Center

Contact Person and Phone: Thomas Palkowski, 763/788-5354

Planning Staff and Phone: Fred Neet, 612/673-3242

Date Application Deemed Complete: December 7, 2004

End of 60-Day Decision Period: February 5, 2005

End of 120-Day Decision Period: April 6, 2005

The letter to extend the decision period to April 6, 2005, was sent to the applicant January 3, 2005.

Ward: 1 **Neighborhood Organization:** Audubon Neighborhood Association

Existing Zoning: C2 Neighborhood Corridor Commercial District

Zoning Plate Number: 6

Proposed Use: minor auto repair with auto sales

Concurrent Review: Variance to reduce the parking requirement from 12 to 11; and Major Site Plan Review.

Applicable zoning code provisions: Chapter 525, Article IX Variances, specifically Section 525.520(6) “to vary the off-street parking...requirements...by one [1] space...;” and Chapter 530 Site Plan Review.

Background: The one-story, 3328 square foot building was constructed in 1968 and the property has been used continuously for minor auto repair with accessory auto sales since. The property has grandfathered rights for both uses. It was rezoned C2 in 1999 but was B3S-3 prior to that. The east side of Central Avenue is all zoned C2, including the 4-unit apartment building adjacent to the subject property and residential properties south of 29th Avenue. The west side of Central Avenue is zoned I1, with I2 further west (rail yards with a cemetery one block to the south-southwest). East of the C2 district, the residential neighborhood is zoned R2B. The area appears to have changed little in recent years.

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Historic use of the site is unusual in several respects. The repair facility was constructed partially onto the apartment building's parcel when zoned B3S, with a 6-foot easement from the latter. The use has grandfathered rights to park on the easement. However, Lowry Repair Center has never applied for Site Plan Review per Chapter 530 of the Zoning Code. Chapter 530 requires a five-foot landscaped yard "along the property line" plus a 6-foot, 95% opaque screen where parking abuts a residential use. The applicant agrees to apply for "alternative compliance" to reduce the side yard from 5 feet to zero, as noted below, and to provide the required decorative screening.

Central Avenue is a state highway (65) with traffic volume approaching 20,000 vehicles daily. 29th Avenue is a municipal state aid road with about 2,500 vehicles daily. Central Avenue north of 29th Avenue is designated a Community Corridor; Columbia Park and St. Anthony Parkway are two and three blocks north. Central Avenue south of 29th Avenue is designated the more intense, auto-related Commercial Corridor. The intersection of Central and Lowry four blocks to the south is designated an Activity Center, with a Housing Opportunity Area immediately north of Lowry.

Central Avenue in this area is currently under reconstruction. A heavily vegetated median will be provided, plus a street-side 6-foot boulevard planted with elm trees, a 6-foot sidewalk, and up to a 3-foot inside boulevard.

The variance to reduce landscaping is not needed and should be returned to the applicant. Reduction in landscaping is covered under Alternative Compliance in the site plan section.

Required Findings for a Variance

- 1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.**

The auto repair facility with four service bays requires 12 legal parking spaces, including one van accessible space. The requirement is reduced to 11 with provision of at least four bicycle racks on the property. The site will accommodate only 10 properly dimensioned parking spaces and drive aisle. Loss of one service bay to meet parking requirements would be an undue hardship where the property was constructed for and operated with four service bays for the past 37 years.

- 2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.**

For reasons unfound by staff, the City permitted construction of an auto repair facility at the site which encroached onto an adjacent zoning lot. Yet properly dimensioned required parking has

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not been provided since at least 1968. The building was constructed as an auto repair facility which remains the most reasonable use for the property.

- 3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.**

Reduction of parking requirements by one space continues the operation of a 37-year old business as intended. Safety provisions are improved. The aesthetics of the corner property, with residential uses to the east, are also greatly improved.

- 4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.**

The variance allows the maximum number of vehicles possible. Vehicles backing onto the public sidewalk are eliminated. The Fire Department raised no concerns, and the Public Works Department assisted with organizing the parking lot.

Required Findings for Major 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. (See Section B Below for Evaluation.)**
- C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C 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.**
- **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.**
- **In larger buildings, architectural elements shall be emphasized.**

- **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 where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
 - **Residential uses shall be subject to section 530.110 (b) (1).**
 - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

The building is existing as is a walkway from sidewalk to the office entrance. The one foot between the building and west sidewalk will be planted with perennials. The parking lot will be landscaped and screened from both cross streets. The only improvements are for the parking lot: the building entrance is interior, about 8 feet from the front lot line; the parking lot is in the only possible location. The Central Avenue façade is brick, wrapping partially around the building; the remainder of the building is concrete block containing service bays and inside storage since 1968. The principal entrance is clearly defined. About 30% of the street façade consists of windows with clear glass.

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.**
- **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).**
- **Areas for snow storage shall be provided unless an acceptable snow removal plan is provided.**
- **Site plans shall minimize the use of impervious surfaces.**

The walkway is provided. The curb cut on Central Avenue will remain for necessary drainage as approved by the Public Works Department, but will be closed to vehicular traffic. Vehicular access from the south will be relocated nearly 20 feet further from the adjacent apartment building. Snow accumulations will be removed from the site as needed. Existing impervious surfaces will be reduced.

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).**

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- 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.
- 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.
- 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.

No landscaping currently exists. All the landscaping to be provided is appropriate to the site and its surroundings. The applicant asserts that 9½ % net landscaping will be provided; when the easement area is excluded from this calculation, the actual number is just over 10%. Required landscaped yards along the streets are accomplished with canopy trees plus 3-foot high vegetation which exceeds Section 530.150 (b). Alternative compliance (see below) is requested for the required yard adjacent to the apartment building. A 6-foot decorative fence, 95% opaque, will be provided adjacent to the apartment building. Along the streets, 3-foot 60% opaque vegetative screening will be provided. The corner of Central and 29th will receive additional treatment. On-site retention and filtration of stormwater is provided as approved by the Public Works Department. The Planning Commission is requested to approve the reduction of landscaping standard as noted below.

ADDITIONAL STANDARDS:

- **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.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**
- **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.**

Lighting is provided. The parking area is screened. Viewsheds, shadowing, and wind currents are not affected. The general site plan has been reviewed without comment by the Police Department.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan

ZONING CODE:

Specific Development Standards:

Section 536, Specific Development Standards, requires the premises, all adjacent streets, sidewalks, and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for the purposes of removing litter.

Hours of Operation:

Hours of operation allowed under the C2 zoning are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday.

Dumpster screening:

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.

Window obstructions:

543.350. Window signs. Window signs shall be allowed, provided that such signage shall not exceed thirty (30) percent of the window area, whether attached to the window or not, and shall not block views into and out of the building at eye level. Window signs shall be included in the calculation of the total permitted building sign area, except as provided for temporary signs in section 543.330.

Signage:

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The existing wall sign is subject to Sections 531 and 543 of the Zoning Code. All new signage is required to meet the requirements of the code.

MINNEAPOLIS PLAN:

The only changes to result from major site plan review and approval are landscaping and parking improvements, both of which are supported by the city's comprehensive plan. The use is consistent with the Commercial Corridor designation across the street to the south, but the site plan improvements serve to enhance the pedestrian character of the designated Community Corridor which begins at 29th Avenue extending north.

Specific policies which tend to support the proposed site improvements include:

- 4.1 Minneapolis will encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods.
- 4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.
- 9.10 Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.
- 9.12 Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.
- 9.15 Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions.

Section C: Conformance with Applicable Development Plans or Objectives Adopted by the City Council

Alternative Compliance. The Planning Commission may approve alternatives to any major 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.**

The site plan chapter recognizes specific land uses, including automobile services, with particular potential for conflicts within the general area, and the need for flexibility in the site plan review process. The proposed site plan includes landscaping and screening where none exists, and organizes the parking facility to meet ordinance requirements. Wrought iron fencing

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and vegetative screening are employed along the public streets adjacent to public sidewalks. A decorative 6-foot screen separates the automotive use from the west side of an apartment building. Bicycle racks are provided.

- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**

However configured, the site allows only 10 legal parking spaces, including one van accessible. Given this, the proposed site plan maximizes possible landscaping and minimizes impervious surfaces as well as providing buffers between an auto-related use and both residences and public pathways.

- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the off-street parking variance:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to reduce parking requirements from 12 to 11 stalls at 2907 Central Avenue Northeast.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **return** the variance application to reduce the landscaping requirement at 2907 Central Avenue Northeast as it is not needed.

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, with the following conditions:

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- 1) Community Planning and Economic Development Planning Division review and approval of the final site and landscaping plans.
- 2) The final site plan shall show the outside trash container, if any, on the zoning lot, the bicycle rack(s) accommodating at least four bicycles on the zoning lot (or on the adjacent right-of-way with approval of the Public Works Department), and fencing detail.
- 3) Screening shall be provided between the parking lot and the adjacent residential use to the east as required by Section 530.160 of the zoning code.
- 4) Barbed wire is prohibited, as stipulated by Section 535.430 of the zoning code.
- 5) The applicant shall provide a performance bond in an amount equal to 125% of the cost of site improvements by August 31, 2005, or the permit may be revoked for noncompliance.
- 6) All site improvements shall be completed by February 7, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.

Attachments: Zoning map
 Correspondence
 Plans
 Photos