

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit, Variance, Site Plan Review
BZZ-1877

Date: August 23, 2004

Applicant: Scherbing Leasing Partnership

Address of Property: 4056 Washington Avenue North

Project Name: 456 Auto

Contact Person and Phone: Mark Korte, (612) 521-1172, extension 25

Planning Staff and Phone: Hilary Watson, (612) 673-2639

Date Application Deemed Complete: July 29, 2004

End of 60-Day Decision Period: September 28, 2004

End of 120-Day Decision Period: Not applicable

Ward: 3 **Neighborhood Organization:** Webber-Camden Neighborhood Organization

Existing Zoning: I2, MR Mississippi River Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 4

Legal Description: Not applicable for this application

Proposed Use: Minor automobile repair facility

Concurrent Review:

Conditional Use Permit: for a minor automobile repair facility.

Variance: to reduce the number of off-street parking spaces from 10 to 8.

Site plan review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX Variances, specifically Section 525.520 (20) “to reduce the applicable off-street parking, stacking or loading requirements by up to twenty (20) percent of the applicable regulations or one (1) space, whichever is greater”; and Chapter 530 Site Plan Review.

Background: The building located at 4056 Washington Avenue North is existing. Half of the building is occupied by a plastic fabrication business and the other half of the building is currently vacant. A

minor automobile repair facility is proposing to occupy the vacant portion of the building. There is a parking area located on the north side of the building that can accommodate up to 15 vehicles. The curb cut to the parking area and a portion of the drive aisle is on land that is owned by the Soo Line Railroad Company. A permanent easement exists that allows the applicant to utilize the railroad property. Please note that the adjacent building to the north also utilizes the curb cut and the drive aisle that is located on the railroad's property.

The parking requirement for the plastic fabrication business is one space for every one thousand square feet of floor area. The size of the plastic fabrication business is 6,660 square feet. Therefore, the parking requirement is seven spaces. The parking requirement for the minor automobile repair facility is one space for every three hundred square feet of space not including the space designated as service bays plus two parking spaces per service bay. When originally calculated, staff came up with a parking requirement for the minor automobile repair facility of 28 spaces. This calculation did not subtract the areas within the building that would be utilized as drive aisles to access the service bays. When these areas are subtracted from the overall size of the building the parking requirement is ten spaces. A variance is still needed as only eight spaces remain after the parking requirement for the plastic fabrication business is taken into consideration.

CONDITIONAL USE PERMIT – for a minor automobile repair facility

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic 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, morals, comfort or general welfare.

The Planning Division does not believe that a minor automobile repair facility will be detrimental to or endanger the public health, safety, morals, comfort or general welfare. The area is primarily industrial. The site is located between a lumber yard and a drywall supplier. There are a few residential buildings in the area but they are located south along Washington Avenue North or east across I94.

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 Planning Division does not believe that a minor automobile repair facility will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. Adjacent uses include a mixture of industrial uses including a lumber yard, a drywall supply company and an acrylic fabrication business. There are a few residential buildings in the area but none are adjacent to the site.

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

The applicant will be working closely with the Public Works Department, the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

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

The parking requirement for this development is ten parking spaces. There will be a total of eight parking spaces located in a parking area on the north side of the building. The parking area is accessed off of Washington Avenue North.

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

According to *The Minneapolis Plan*, this property is located in a light industrial area as found on the Land Use Policy map. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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.
- Establish industrial districts to provide for industrial land uses, while ensuring that new industrial development is compatible with its surroundings.

This development supports these principles and policies.

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.

With the approval of the conditional use permit, the variance and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

VARIANCE - to reduce the number of off-street parking spaces from 10 to 8.

Findings as Required by the Minneapolis Zoning Code for the 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.

Parking reduction: The applicant is seeking a variance to reduce the number of off-street parking spaces from 10 to 8. The applicant has indicated that the parking situation is existing and that there is no room to add parking on the site. The curb cut to the parking area and a portion of the drive aisle is on land that is owned by the Soo Line Railroad Company. A permanent easement exists that allows the

applicant to utilize the railroad property. In addition, the adjacent building to the north also utilizes the curb cut and the drive aisle that is located on the railroad's property. If additional parking spaces were added to the site they would have to be located on the far east side of the site which also serves as the access point to the Soo Line Railroad's property.

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.

Parking reduction: The fact that the area where additional parking could be added to the site would block the access point to the Soo Line Railroad's property is a unique circumstance of this parcel of land.

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.

Parking reduction: The granting of the variance would not significantly affect the essential character of the area given that minor automobile repair facilities have operated out of this building in the past and have not had parking problems. The applicant has indicated that although the plastic fabrication business that is located in half of the building has a parking requirement of seven spaces that not all of them are ever utilized at one time.

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.

Parking reduction: Staff believes that the granting of the variance would have little impact on fire safety, nor would the proposed parking variance be detrimental to welfare or public safety.

SITE PLAN REVIEW

Findings as Required by the Minneapolis Zoning Code:

- 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 FACADE

- **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.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **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:**
- **Nonresidential uses shall be subject to section 530.110 (b) (2).**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The building associated with this site plan review application is existing. The applicant is not proposing to make any modifications to the exterior of the building. After visiting the site, staff noted that the exterior of the building needs to be painted as the paint is peeling off and a former businesses' sign is painted on two sides of the building.

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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Both of the uses within the building have pedestrian and overhead doors located on the north side of the building. Neither of the pedestrian doors are connected to the public sidewalk along Washington Avenue North.
- Vehicular access and circulation to the site will not be changing.
- The applicant has indicated that snow will be stored on the east side of the site.

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).**
- **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. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant has indicated that approximately 10 percent of the site not occupied by the building is landscaped. The landscaping requirement for this development is 12 trees and 60 shrubs. According to the applicant there are a total of seven evergreen shrubs located along the building on Washington Avenue North. The area where the shrubs are planted is overgrown with weeds as is the public sidewalk and the retaining wall that is holding up the planting area is deteriorating. Staff is recommending that the applicant repair or replace the retaining wall and weed the front landscaped area and the sidewalk.
- The right-of-way between Washington Avenue North and the property has been filled in with asphalt. Asphalt is not an allowed material in the right-of-way. Staff is recommending that the asphalt be removed and replaced with sod similar to the right-of-way area just north of the site.
- The parking lot needs to be screened from the public street and sidewalk. The applicant is proposing

to construct a six-foot high solid wood fence along the property line. Staff is recommending that the fence be no taller than three feet if it is to be a solid fence and no taller than four feet if it is an open fence.

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.**

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- The applicant is not proposing to make any changes to the existing lighting.
- The Crime Prevention Specialist has reviewed and approved the project in regards to crime prevention design elements.

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

ZONING CODE

With the approval of the conditional use permit, the variance and the site plan review this development will be in conformance with the applicable regulations of the zoning code.

THE MINNEAPOLIS PLAN

See conditional use permit finding number five.

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

The City Council adopted *Above the Falls: A Master Plan for the Upper River in Minneapolis* in June of 2002. The site is designated as higher intensity use park/plaza on the plan's future land use map and as Park on the plan's recommended zoning map. The vision for this site and the industrial site to the north is that they would be converted into an athletic field

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.

- 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.

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT – PLANNING DIVISION RESPONSE

- Staff is recommending that the City Planning Commission grant alternative compliance to allow there not to be a walkway that connects the principal entrances to the public sidewalk. Given that the applicant utilizes a portion of the property owned by the Soo Line Railroad Company to access the building and that the access is shared with the adjacent property owner to the north there is no physical space to construct a walkway on the property that would maintain proper access.
- Staff is recommending that the City Planning Commission grant alternative compliance to allow there to be less than 20 percent landscaping on the site. Requiring the applicant to have 20 percent of the site landscaped would require a number of the parking spaces to be removed which would require a higher parking variance than what is being applied for.

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 application for a minor automobile repair facility located at 4056 Washington Avenue North subject to the following conditions:

1. All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
2. All repairs shall be performed within a completely enclosed building.
3. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
4. The sale of vehicles shall be prohibited.
5. All service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.

6. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
7. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
8. Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

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 findings above and **approve** the variance to reduce the number of off-street parking spaces from 10 to 8 for the property located at 4056 Washington Avenue North.

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 adopt the findings above and **approve** the site plan review for a minor automobile repair facility for the property located at 4056 Washington Avenue North subject to the following conditions:

1. The applicant shall repaint the exterior of the building.
2. The applicant shall repair or replace the existing retaining wall that is located along Washington Avenue North.
3. The applicant shall weed the front landscaped area and the front sidewalk and shall maintain it.
4. The applicant shall remove the asphalt from the right-of-way along Washington Avenue North and replace it with sod.
5. The fence along the west property line shall be no taller than three feet if it is to be a solid fence and no taller than four feet if it is an open fence.
6. Approval of the final site, landscaping, fence and trash receptacle elevations by the Community Planning and Economic Development Department – Planning Division.

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7. All site improvements shall be completed by August 23, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
8. If estimated site improvement costs exceed \$2,000, the applicant shall submit a performance bond in the amount of 125% of the estimated site improvement costs before exterior building permits are issued.

Attachments:

1. Statement of proposed use
2. CUP and variance findings
3. July 21, 2004 e-mail to CM Samuels
4. July 15, 2004 letter to Roberta England with the Webber-Camden Neighborhood Organization
5. Zoning Map
6. Survey
7. Site plan
8. Photographs of the site and surrounding area