

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit, Variance and Site Plan Review
BZZ-2185

Date: September 19, 2005

Applicant: David Barnhart

Address of Property: 2929 University Avenue Southeast and 3000 4th Street Southeast

Project Name: Not applicable

Contact Person and Phone: David Barnhart with Prospect Park Properties, (612) 331-1728

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

Date Application Deemed Complete: August 3, 2005

End of 60-Day Decision Period: October 2, 2005

End of 120-Day Decision Period: December 1, 2005, 60-day extension letter sent out on August 23, 2005

Ward: 2 Neighborhood Organization: Prospect Park/East River Road Improvement Association

Existing Zoning: I1, Light Industrial District

Proposed Zoning: I1, Light Industrial District with the IL Industrial Living Overlay District

Zoning Plate Number: 22

Legal Description: Lots 1, 2, 3 and 4, Geo. H. Watson's Addition, Minneapolis, Minnesota, according to the recorded plat thereof, and situate in Hennepin County, Minnesota

Proposed Use: mixed-use development including offices, a grocery store, warehousing, self-storage and minor auto repair businesses

Concurrent Review:

Rezoning: to add the IL Industrial Living Overlay District to the property located at 2929 University Avenue Southeast

Conditional use permit: for auto repair businesses, both major and minor

Variance: of the minimum distance requirement to allow major auto repair businesses to locate within 300 feet of a residence or office-residence district

Site Plan Review

Applicable zoning code provisions: Chapter 525, Article VI, Zoning Amendments, Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(22) “to vary the development standards of Chapter 536, Specific Development Standards and Chapter 537, Accessory Uses and Structures, except that specific minimum distance and spacing requirements may be varied only to allow for the relocation of an existing use where the relocation will increase the spacing between such use and any use from which it is nonconforming as to spacing, or will increase the distance between such use and any protected boundary or use from which it is nonconforming as to distance” and Chapter 530, Site Plan Review.

Background: The sites located at 2929 University Avenue Southeast and 3000 4th Street Southeast were until recently owned by Kemps. They have both been purchased by the applicant. Combined, the two sites are approximately 3.8 acres in size. The site located at 2929 University Avenue South is occupied by two buildings and three separate parking areas. The site located at 3000 4th Street Southeast is occupied by a parking lot.

Kemps utilized the site for several aspects of their business. Those uses included offices, warehousing, freezer storage and vehicle maintenance repair. The applicant proposes to utilize the building located closest to University Avenue Southeast for offices, a grocery store, warehousing, self-storage and minor auto repair businesses. Please note that the applicant and the owner of the grocery store have not signed a lease confirming that this use will be located in the building. Grocery stores are not a permitted use in the I1 zoning district. Therefore, the applicant is proposing to add the I1 Industrial Living Overlay District to the site which allows grocery stores. The applicant proposes to utilize the building located closest to 4th Street Southeast for warehousing and auto repair businesses, both major and minor. The difference between a major auto repair business and a minor auto repair business is that a major auto repair businesses may conduct all of the activities allowed in a minor auto repair business and the rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rust-proofing or other similar repairs or servicing of automobiles.

In total there would be 27 auto repair uses in the building. There would be 10 minor auto repair businesses and 17 major auto repair businesses. The 10 minor auto repair businesses would each have two service bays per use and the 17 major auto repair businesses would each have one service bay per use. Auto repair businesses, both major and minor, are conditional uses in the I1 zoning district. In addition, major auto repair businesses in the I1 District must be located at least 300 feet from a resident or office-residence district. In this case, the properties to the west and east have office-residence zoning, therefore, a variance of the minimum distance requirement is required. Auto repair businesses are also subject to site plan review.

The parking requirement for the development is 181 spaces. The breakdown is as follows: office 48 spaces, grocery store 53 spaces, warehousing and self-storage 6 spaces and auto repair 74 spaces. There will be a total of 196 parking spaces provided on the site, including the site located at 3000 4th Street Southeast.

The City of Minneapolis and the neighborhood association are working on two different land use plans for this area. One of the plans is an update to the Southeast Minneapolis Industrial (SEMI) Master Plan. Currently, this plan indicates that this site would be suitable for industrial, commercial or residential land uses. The proposed plan indicates that this site would be suitable for either commercial or

residential land uses. The City of Minneapolis hopes to have this plan update adopted before the end of the year. The other plan is the 29th Avenue Southeast Small Area Plan, which is in the process of being written. It is anticipated that it would be anywhere from six months to one year before this plan is adopted. The draft version of this plan indicates two different scenarios for this site. The first scenario assumes that the existing buildings would remain on the site. In this scenario the building would be reused for commercial purposes. The second scenario assumes that the existing buildings would be demolished. In their place a mixed-use development would be constructed on the site.

The site is also located at a point along a potential Light Rail line that would connect Minneapolis and St. Paul. In addition, it is anticipated that there would be Light Rail Transit station located on 29th Avenue Southeast between University Avenue Southeast and 4th Street Southeast. Planning for this transit line is in the draft EIS stage now. Construction is anticipated to begin in 2010.

It should be noted that the applicant intends on redeveloping this site at some point in the future. The applicant has indicated that he would like to construct a new mixed-use development on the site including commercial and residential uses.

REZONING - to add the IL Industrial Living Overlay District to the property located at 2929 University Avenue Southeast

Findings as Required by the Minneapolis Zoning Code:

1. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The site is designated as light industrial in the comprehensive plan. This site is located on University Avenue Southeast which is a designated Community Corridor. 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 (Policy 9.23).
- Support continued growth in designated commercial areas while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city (Policy 9.24).
- Establish industrial district to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).
- Coordinate land use and transportation planning on designated Community Corridors 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 these streets (Policy 9.27).

Rezoning these parcels of land to include the IL Industrial Living Overlay District designation would be in conformance with the foregoing policies of the comprehensive plan. The site is located within an area of the city that has a mix of uses within close proximity to one another, including commercial,

office and industrial. Additional commercial uses or residential uses would be compatible with the surrounding area.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The amendment will allow the applicant to convert a portion of the building to a grocery store. In no way does adding the IL Overlay remove any rights of the I1 zoning district. Through the adoption of *The Minneapolis Plan*, City stakeholders have located this site on a Commercial Corridor where they believe both commercial and residential uses would be appropriate and in the public interest.

3. Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.

The site is bordered by I1 zoning to the north, a mixture of I1 and OR2 zoning to the east, a mixture of OR2 and C2 zoning to the south and OR2 zoning to the west. Adjacent uses include office uses, industrial uses, parking facilities and commercial businesses.

The proposed IL Industrial Living Overlay District is compatible with the immediately surrounding area. The IL Industrial Living Overlay District is established to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area. In this particular situation the IL Industrial Living Overlay District would be added to the property with the intention of locating a grocery store within the building.

4. Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.

There are reasonable uses of the property permitted under the I1 zoning district. The I1 zoning district is a light industrial district. Permitted uses in the I1 district include, but are not limited to, the following:

- Light industrial uses
- Film, video and audio production
- Packaging of finished goods
- Self service storage
- Wholesaling, warehousing and distribution
- Art gallery
- Photocopying
- Coffee shop, with limited entertainment
- Hotel
- Clinic, medical or dental

5. Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.

Within this area of Minneapolis there has not been a change in zoning or in the type of development. However, this area is being studied by both the City of Minneapolis and the neighborhood association.

CONDITIONAL USE PERMIT - for auto repair businesses, both major and minor

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, comfort or general welfare.

The Planning Division does not believe that auto repair businesses, both major and minor, will be detrimental to or endanger the public health, safety, comfort or general welfare. Since 1965, portions of the site have been utilized for vehicle maintenance repair.

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 auto repair businesses, both major and minor, will be injurious to the use and enjoyment of other property in the area. The portions of the building that would be occupied by the auto repair businesses are all internal 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 zoning code requires 1.0 space per 300 square feet of gross floor area excluding service bays and 2.0 spaces per service bay. Each auto repair business is either divided into one or two service bays. In total, there are 37 service bays in the building. This results in a parking requirement of 74 spaces. The parking requirement for the entire development is 181 spaces and there are a total of 196 parking spaces

on the site, including the site located at 3000 4th Street Southeast.

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

The site is designated as light industrial in the comprehensive plan. This site is located on University Avenue Southeast which is a designated Community Corridor. 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 (Policy 9.23).
- Support continued growth in designated commercial areas while allowing for market conditions to significantly influence the viability of a commercial presence in undesignated areas of the city (Policy 9.24).
- Establish industrial district to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings (Policy 9.25).
- Coordinate land use and transportation planning on designated Community Corridors 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 these streets (Policy 9.27).

Locating auto repair businesses, both major and minor, in this building would be in conformance with the foregoing policies of the comprehensive plan. The site is located within an area of the city that has a mix of uses within close proximity to one another, including commercial, office and industrial. The area of the building that will be utilized for auto repair businesses are internal to the site.

6. And, does in all other respects conform to the applicable regulations of the district in which it is located.

Auto repair businesses, both major and minor are subject to specific development standards. The specific development standards for major auto repair uses are:

- All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
- The sale of vehicles shall be prohibited.
- 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.
- 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.
- In the I1, Light Industrial District, the use shall be located at least three hundred (300) feet from a residence or office residence district.

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

The specific development standards for minor auto repair uses are:

- 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.
- Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- 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.
- The sale of vehicles shall be prohibited.
- In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
- 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.
- 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.
- Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

VARIANCE - of the minimum distance requirement to allow major auto repair businesses to locate within 300 feet of a residence or office-residence district

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.

Distance requirement: The applicant is seeking a variance of the minimum distance requirement to allow major auto repair businesses to locate within 300 feet of a residence or office-residence district. Across both 29th Avenue Southeast and 30th Avenue Southeast from the site are properties that are zoned office-residence. The applicant owns the property located at 2812 University Avenue Southeast which is utilized by several major auto repair businesses. This property is located immediately adjacent to a property that is zoned OR2. The applicant is proposing to relocate the major auto repair uses from the property located at 2812 University Avenue Southeast to 2929 University Avenue Southeast. The proposed location for these uses would be in the former freezer building on the site. This building is located on the north half of the property and adjacent to 4th Street Southeast. The major auto repair uses would be separated from the rest of the site by a fence that would run through the middle of the property. In addition, the only vehicular entrance to this area of the site is located off of 4th Street Southeast.

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.

Distance requirement: The site is unique in that it is over three acres in size and the location of the major auto repair are located towards the back of the property and are separated from the other uses on the property. In addition, the building which the major auto repair uses would be located in does not have any windows and the only way to access the building is from a vehicular cut along 4th Street Southeast.

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.

Distance requirement: The Planning Division believes that the granting of this variance would be in keeping with the spirit and intent of the ordinance. The applicant will be moving existing major auto repair businesses from a location that is immediately adjacent to a property that is zoned office-residence to a property that is located across the street from properties that are zoned office-residence. In addition, located across 4th Street Southeast from the site are an existing auto repair business and a sheet metal fabricator.

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.

Distance requirement: Staff believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed 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 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 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. 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.**
 - 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.**
- **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.**

PLANNING DEPARTMENT RESPONSE:

- The building associated with this site plan review application is existing. If the grocery store goes into the building there would be several modifications made to the west side of the building. The largest being the grading of the site. In order to bring the parking lot elevation up to meet the first floor elevation the west side of the property would be filled in and resurfaced. Also, a new entrance would be located on the west side of the building and the existing window openings, which have been filled in with a different building material, would be opened up again and replaced with glass. If the grocery store does not go into the building no major exterior modifications would be made to the building.
- There is a principal entrance to the building located along the University Avenue Southeast side of the building. Again, if the grocery store goes into the building a new entrance would be located on the west side of the building.
- There are three existing parking areas on the property located at 2929 University Avenue Southeast. One is located in the southeast corner of the site, one is located in the southwest corner of the site and the largest parking area is located on the west side of the site. This parking area expands into the middle of the site. The applicant is proposing to remove a portion of the parking lot from the public right-of-way along University Avenue Southeast and install landscaping to help screen the parking areas from the public street and sidewalk. In addition, the principal use of the property located at 3000 4th Street Southeast is a parking lot.
- The exterior materials of the principal structures are brick, stucco and painted concrete block. All four sides of the building are compatible with one another in that they are all similar in color.
- There are several areas of the building that are over 25 feet in length and blank. Again, the building is existing and no major exterior modifications to the building are proposed.
- There are windows located on the south, east and west sides of the front portion of the building. Again, if the grocery store goes into the building additional windows would be added on the west side of the building.

- The roof line of the building is flat.

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.**

PLANNING DEPARTMENT RESPONSE:

- The principal entrance to the building located on the south side of the site is connected to the public sidewalk along University Avenue Southeast. Because it has not been determined exactly where the grocery store entrance would be located on the west wall of the building it is unknown how it would be connected to the public sidewalk along 29th Avenue Southeast if at all. The building located on the north side of the site, which will be utilized for warehousing and auto repair uses, has various entrances leading to it. None of these entrances are connected to the public sidewalk.
- There is a bus shelter located on the northeast corner of University Avenue Southeast and 29th Avenue Southeast.
- There are three existing parking areas on the property located at 2929 University Avenue Southeast. One is located in the southeast corner of the site, one is located in the southwest corner of the site and the largest parking area is located on the west side of the site. This parking area expands into the middle of the site. In addition, the property located at 3000 4th Street Southeast is a surface parking lot that will be utilized by the tenants of the site.
- Two percent of the site is pervious. The Planning Division is recommending that additional landscaping be added to the site which will increase the amount of pervious surface. Please note that in the II District, there is no maximum impervious surface requirement.

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.**

PLANNING DEPARTMENT RESPONSE:

- The zoning code requires that at least 20 percent of the site not occupied by the building be landscaped. In addition, the zoning code requires at least 1 tree for each 500 square feet of required green space and at least 1 shrub for each 100 square feet of required green space.
- Site located at 2929 University Avenue Southeast:
 - The lot area of the site is 140,967 square feet. The footprint of the buildings is 77,302 square feet. When you subtract the footprint from the lot size the resulting number is 63,665 square feet. Twenty percent of this number is 12,733 square feet. The applicant has a total of 3,206 square feet of landscaping, or five percent of the site. Please note that the applicant is proposing to remove an additional 3,554 square feet of asphalt in the right-of-way and replace it with landscaping. All of this green space would be located between the public sidewalk and the parking areas that front along University Avenue Southeast. Combined, there would be a total of 6,760 square feet of landscaping, 10.5 percent. The parking area on the west side of the property is arranged in such a way that the drive aisle is much wider than it needs to be for vehicles (ranges between 30 and 50 feet). The Planning Division is recommending that the applicant install a nine-foot landscape yard along 29th Avenue Southeast and the northwest corner of the site. The Planning Division is recommending that the Planning Commission grant alternative compliance to not require that 20 percent of the site be landscaped. In lieu of the full 20 percent landscaping, the Planning Division is recommending that a decorative fence be installed around the perimeter of the parking lots along University Avenue Southeast and the parking lot on the west side of the site.
 - The tree and shrub requirement for the site is 25 and 127 respectfully. There are three trees and a handful of shrubs on the property currently. Please note that a detailed landscaping plan was not submitted for this development. However, photos of the site were submitted which clearly show the number of trees on the site but it is difficult to tell how many shrubs are on the site.

The existing plant materials are located between the building and University Avenue Southeast. The Planning Division is recommending that the tree and shrub requirement be met.

- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of seven feet in any direction. In the proposed parking lot the majority of the parking spaces are not located within 50 feet of an on-site deciduous tree and no tree islands are proposed. The Planning Division is recommending that the Planning Commission grant alternative compliance to not require that every parking space be located within 50 feet of an on-site deciduous tree. The parking spaces located on the interior of the site are screened from the surrounding streets by the building configurations. The only view of the interior of the parking lot is from 29th Avenue Southeast which the Planning Division is recommending have a landscaped yard along. In addition, the Planning Division is recommending that if tree islands are constructed within the interior of the parking lot that they measure a minimum of seven feet in any direction.
- There is an existing chain link fence with barbed wire on top of it located along the west side and portions of the north side of the property. The applicant is not proposing to remove this fence. However, the applicant is proposing to remove a section of the fence along the 4th Street Southeast side and install a new gate. In addition, if the grocery store goes into the building the fence located along the west side of the property would be removed in order to open up the site to customers.
- The applicant is proposing to construct an eight-foot high solid fence in the middle of the parking lot in order to separate the area that would be utilized by grocery store customers and the auto repair businesses.
- Site located at 3000 4th Street Southeast:
 - The lot area of the site is 24,839 square feet. There is no building on this site. Twenty percent of the lot area is 4,968 square feet. There is no green space located on this property. The Planning Division is recommending that the applicant install twenty percent landscaping on the site.
 - The tree and shrub requirement for the site is 10 and 50 respectfully. The applicant is not proposing to have any landscaping on this property. The Planning Division is recommending that the tree and shrub requirement be met.
 - For parking lots under 100 spaces the zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway. The Planning Division is recommending that a seven-foot wide landscaped yard be provided along both 30th Avenue Southeast and 4th Street Southeast. Please note that this is meant to count towards the 20 percent requirement.
 - For each 25 linear feet along a public street, at least one tree needs to be provided. The Planning Division is recommending that this requirement be met.
 - In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of seven feet in any direction. In the proposed parking lot the majority of the parking spaces are not located within 50 feet of an on-site deciduous tree and no tree islands are proposed. The Planning Division is recommending that the parking lot be designed so all of the parking spaces are located within 50 feet of an on-site deciduous tree and that if tree islands are located within the interior of the parking lot that they measure seven feet in any direction.

- There is an existing chain link fence with barbed wire on top of it located along the west and north sides of the property. The applicant is not proposing to remove this fence. However, the applicant is proposing to divide the parking lot in half by constructing a new chain link fence down the middle of the parking lot. In addition, the applicant is proposing to remove a section of the fence along the 4th Street Southeast side and install a new gate.

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**
 - **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.**

PLANNING DEPARTMENT RESPONSE:

- Currently, stormwater runoff drains towards 29th Avenue Southeast and 30th Avenue Southeast depending on what site you are standing on. With the addition of green space along both of these streets stormwater runoff will be drained to the green space on the property.
- There are lights located on the building and within the parking lot. The applicant is not proposing to make any modifications to the lighting.
- The building is existing and would not block existing views of important elements within the city.
- This building is existing and would cast no new shadows on surrounding properties.
- This development should not contribute to groundlevel winds.
- The Crime Prevention Specialist has reviewed the project in regards to crime prevention design elements. To be in compliance with the CPTED guidelines, protection against graffiti should be taken and if the grocery store goes into the building the individual parking areas should be defined and increased lighting in the parking lot near the entrance to the grocery store should be installed.

- This site is neither historic nor located in a historic district.

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:

- **Use:** All of the proposed uses of the site, except for the auto repair uses are permitted uses in the I1 District. Auto repair uses are conditional in the I1 District. The applicant proposes to add the Industrial Living Overlay District to allow a grocery store on the site.
- **Off-Street Parking and Loading:** The zoning code requires 1 space per 300 square feet of gross floor area over 4,000 square feet for office space and grocery stores, 1 space per 3,000 square feet of gross floor area up to 20,000 square feet for warehousing and one space per 300 square feet of gross floor area excluding service bays and two spaces per service bay for auto repair uses.. The resulting parking requirement for the development is 181 spaces. The breakdown is as follows: office 48 spaces, grocery store 53 spaces, warehousing 6 spaces and auto repair 74 spaces. There will be a total of 196 parking spaces provided on the site, including the site located at 3000 4th Street Southeast.
- **Maximum Floor Area:** The maximum FAR in the I1 District is 2.7. The lot located at 2929 University Avenue Southeast is 141,000 square feet in area. The gross floor area of the two buildings on the property is 77,302 square feet, an FAR of .55.
- **Building Height:** Building height in the I1 District is limited to 4 stories or 56 feet, whichever is less. The building ranges between one and two stories in height.
- **Minimum Lot Area:** None of the proposed uses are subject to a minimum lot area requirement.
- **Yard Requirements:** There are no yard requirements in the I1 District.

Specific Development Standards: Grocery stores and auto repair uses both major and minor are subject to specific development standards. The specific development standard for a grocery store is:

- 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.”

The specific development standards for major auto repair uses are:

- All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
- The sale of vehicles shall be prohibited.

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- 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.
- 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.
- In the I1, Light Industrial District, the use shall be located at least three hundred (300) feet from a residence or office residence district.
- Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

The specific development standards for minor auto repair uses are:

- 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.
 - Except in the I3 District, all repairs shall be performed within a completely enclosed building.
 - 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.
 - The sale of vehicles shall be prohibited.
 - In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
 - 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.
 - 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.
 - Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.
- **Hours of Operation:** The hours of operation in the I1 District are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the uses will operate per the hours permitted by the zoning code.
 - **Signs:** Signs are subject to Chapter 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code. The applicant is proposing to reuse the existing freestanding sign that is located on the southwest corner of the property.
 - **Refuse storage:** The refuse storage containers will be located towards the interior of the site. It will be accessed off of 4th Street Southeast.

MINNEAPOLIS PLAN:

The site is designated as light industrial in the comprehensive plan. This site is located on University Avenue Southeast which is a designated Community Corridor. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Promote design solutions for automobile parking facilities that reflect principles of traditional urban design (Policy 9.12).
- 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 (Policy 9.23).

The Planning Division believes that this development is in compliance with the foregoing policies of the comprehensive plan. The reuse of the building for a mixture of commercial purposes supports the above policies. The applicant is proposing to install landscaping along University Avenue Southeast in order to screen the existing parking areas from the public right-of-way which is an implementation step for Policy 9.12.

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.**

PLANNING DEPARTMENT RESPONSE:

- The Planning Division is recommending that the Planning Commission grant alternative compliance to not require that 20 percent of the site (2929 University Avenue Southeast) be landscaped. With the additional landscaping located along University Avenue Southeast and along 29th Avenue Southeast the Planning Division believes that the intent of the zoning code is being met as the additional landscaping will screen the parking areas from the public streets and sidewalks. In lieu of the full 20 percent landscaping, the Planning Division is recommending that a decorative fence be installed around the perimeter of the parking lots along University Avenue Southeast and the parking lot on the west side of the site.
- The Planning Division is recommending that the Planning Commission grant alternative compliance to not require that every parking space located at 2929 University Avenue Southeast be located within 50 feet of an on-site deciduous tree. The parking spaces located on the interior of the site are screened from the surrounding streets by the building. The only view of the interior of the parking lot is from 29th Avenue Southeast which the Planning Division is recommending have a landscaped

yard along. The Planning Division believes that if the perimeter of the parking lot is landscaped that the intent of the zoning code is being met.

RECOMMENDATIONS

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and the City Council adopt the above findings and **approve** the rezoning petition to add the IL Industrial Living Overlay District to the property located at 2929 University Avenue Southeast.

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 auto repair businesses, both major and minor, located at 2929 University Avenue Southeast subject to the following conditions:

1. There shall be no more than 27 auto repair businesses located in the building. Ten of them may be minor auto repair businesses and 17 of them may be major auto repair businesses.
2. All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
3. All repairs shall be performed within a completely enclosed building.
4. All vehicles parked or stored on site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
5. The sale of vehicles shall be prohibited.
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 site plan review:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review for a mixed-use development for the properties located at 2929 University Avenue Southeast and 3000 4th Street Southeast subject to the following conditions:

1. The applicant shall install a nine-foot landscape yard along 29th Avenue Southeast and the northwest corner of the site.
2. The Planning Division is recommending that the tree and shrub requirement of Chapter 530 of the zoning code be met on the site located at 2929 University Avenue Southeast.
3. If tree islands are constructed within the interior of the parking lot located at 2929 University Avenue Southeast they shall measure a minimum of seven feet in any direction.
4. A decorative fence shall be installed around the perimeter of the parking lots along University Avenue Southeast and the parking lot on the west side of the site.
5. Not less than 20 percent of the site located at 3000 4th Street Southeast shall be landscaped to the standards of Chapter 530 of the zoning code.
6. Approval of the final site, elevation and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
7. All site improvements shall be completed by September 19, 2006, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

1. Statement of proposed use and description of the project
2. Rezoning, conditional use permit and variance findings
3. August 1, 2005, letter to Council Member Zerby
4. August 1, 2005, letter to PPERRIA
5. Letters from surrounding property owners
6. Existing and proposed land use maps for the SEMI plan
7. Zoning Map
8. Site plan and floor plans
9. Photographs of the site and surrounding area