

**Excerpt from the
CITY PLANNING COMMISSION
MINUTES**

**Minneapolis Community Planning & Economic Development (CPED)
Planning Division**

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MEMORANDUM

DATE: March 28, 2008

TO: Steve Poor, Planning Supervisor – Zoning Administrator, Community Planning & Economic Development - Planning Division

FROM: Jason Wittenberg, Supervisor, Community Planning & Economic Development - Planning Division, Development Services

CC: Barbara Sporlein, Director, Community Planning & Economic Development Planning Division

SUBJECT: Planning Commission decisions of March 17, 2008

The following actions were taken by the Planning Commission on March 17, 2008. As you know, the Planning Commission's decisions on items other than rezonings, text amendments, vacations, 40 Acre studies and comprehensive plan amendments are final subject to a ten calendar day appeal period before permits can be issued:

Commissioners present: President Motzenbecker, El-Hindi, Huynh, LaShomb, Nordyke, Norkus-Crampton, Schiff and Tucker – 8

Not present: Commissioner Williams (excused)

Committee Clerk: Lisa Baldwin (612) 673-3710

10. Cedar Ave Holiday Gas Station (BZZ-3929, Ward: 9), 3524, 3528, 3532, 3536 and 3550 Cedar Ave S ([Shanna Sether](#)).

A. Conditional Use Permit: Application by Peter Roos, on behalf of Holiday Stationstores, Inc. and Orville Kemp, for a conditional use permit to allow for the construction of an automobile convenience facility and accessory car wash facility in the C2 Neighborhood Corridor Commercial District for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the application for a conditional use permit to allow for the construction of an automobile convenience facility and accessory car wash facility for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S in the C2 Neighborhood Corridor Commercial District, subject to the following conditions:

1. The applicant will meet the specific development standards for Automobile Convenience Facilities and Car Wash in section 536.20 of the zoning code.
2. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
3. Speakers are for emergency use and/or for help with accessibility use issues for patrons only.
4. Signs shall be posted on the pumps that state: "Please turn down car radios while refueling to respect our neighbors."
5. Car wash and vacuum cleaner to be operated only between the hours of 8:00 am and 10:00 pm seven days a week.

B. Conditional Use Permit: Application by Peter Roos, on behalf of Holiday Stationstores, Inc. and Orville Kemp, for a conditional use permit to allow for the extension of hours open to the public to 24 hour operation seven days a week for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S.

Action: The City Planning Commission **denied** the conditional use permit to allow for the extension of hours open to the public to 24 hour operation seven days a week for the automobile convenience facility located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S in the C2 Neighborhood Corridor Commercial District based on the following findings:

1. Standard hours of operation are sufficient.
2. Site is surrounded by single family and low density residential structures.
3. Not a growing commercial corridor, it is an isolated community corridor, predominately residential.
4. Extension of hours contrary to the goals of a quality neighborhood.

C. Variance: Application by Peter Roos, on behalf of Holiday Stationstores, Inc. and Orville Kemp, for a variance to reduce the front yard setback, along Cedar Ave S, from 20 feet to approximately 15 feet to allow for the construction of an accessory car wash facility for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S.

Action: The City Planning Commission adopted the findings and **approved** the variance to reduce the front yard setback, along Cedar Ave S, from 20 feet to approximately 15 feet to allow for the construction of an accessory car wash facility for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S in the C2 Neighborhood Corridor Commercial District.

D. Variance: Application by Peter Roos, on behalf of Holiday Stationstores, Inc. and Orville Kemp, for a variance to reduce the interior yard setback from 5 feet to 0 to allow for a driveway adjacent to the proposed car wash facility to the March 17, 2008 City Planning Commission public hearing. for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S.

Action: The application has been withdrawn.

E. Site Plan Review: Application by Peter Roos, on behalf of Holiday Stationstores, Inc. and Orville Kemp, for a site plan review for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S.

Action: The City Planning Commission adopted the findings and approved the site plan review to allow for the construction of an accessory car wash facility for the properties located at 3524, 3528, 3532, 3536 and 3550 Cedar Ave S in the C2 Neighborhood Corridor Commercial District, subject to the following conditions:

1. CPED Planning staff review and approval of the final site, elevations and landscaping plans.
2. The building shall be oriented so that at least one (1) principal entrance faces Cedar Avenue South as required by section 530.110.
3. At least 5,588 square feet (20 percent of the net lot area) of landscaped area shall be provided on-site and at least 4 canopy trees, 8 deciduous trees and 56 shrubs shall be provided as required by section 530.160 of the zoning code and an alternative compliance measure. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.
4. Walkways between the building and the parking spaces shall be kept free of obstructions (e.g., pillars, ice machines, etc.) in a manner that allows four (4) foot wide clearance. Such walkway(s) shall be protected from encroachment of vehicles by curbing, wheel stops, bollards, or similar barriers.
5. 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.
6. Six inch by 6 inch continuous concrete curbing shall be provided between the landscaping and the parking area.
7. The perimeter of the parking lot will be effectively landscaped and screened; as an alternative compliance measure, the applicant shall install decorative fencing between three (3) and four (4) feet in height between the parking/pump island area and the public sidewalk along Cedar Avenue and a three-foot hedge for 55 feet along the north elevation.
8. The freestanding sign shall be landscaped to screen the base of the sign with materials capable of screening the site all year and shall be well maintained as required by section 543.240(d) of the zoning code.
9. All site improvements shall be completed by March 17, 2009, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
10. The applicant shall ensure lighted canopies on the property will not exceed 60 initial raw lamp lumens per square foot. Furthermore, the lighting in the canopy shall be recessed

- with flat lenses to prevent glare and trespass. This will be documented in a photometric of the site congruent with Minneapolis Code 530.240 prior to approval. The applicant shall submit a final lighting diagram verifying compliance with the City's lighting standards and to determine the effect of lighting on the surrounding uses.
11. The freestanding sign on the site shall be no taller than 14 feet.
 12. No rock mulch will be used in landscaping beds; shredded hardwood mulch will be used instead.
 13. Applicant shall work with the Park Board for the installation of boulevard trees along Cedar Ave.
 14. Six foot balled and burlapped techny arborvitae shall be planted, placed four feet on center and used as the hedge along the alley.
 15. Applicant shall meet the 30% fenestration requirement along 36th Street.

Staff Sether presented the staff report.

Commissioner Schiff: The southernmost curb cut that's supposed to be an overflow for people who are trying to avoid the carwash, what did Public Works say about that? I thought that had come up in preliminary plan review as something that staff was going to raise objections to.

Staff Sether: Originally, Public Works...well, maybe even still, Public Works would like to see the elimination of this curb cut, the one furthest north on the site. If they are able to relocate the carwash in such a way that they can utilize one of the other three curb cuts, I think it's probably best if I allow Shane to answer the question.

Commissioner Schiff: Did the applicant say which direction the tankers are coming down Cedar Ave to access this site?

Staff Sether: I'm sorry, I cannot recall but I can ask. They will be coming from the south.

Commissioner Schiff: Does the city have an obligation to allow a curb cut on a street that's mostly residential like 36th in order to allow commercial properties to access or can we limit access to the commercial street?

Staff Sether: I think I will let Shane answer those questions.

Commissioner Schiff: Sure. It's kind of a legal question actually about our obligation to approve a curb cut.

Shane Morton (Mpls Traffic): As far as 36th is considered, it's a municipal state-aid route. It is supposed to be held to a higher standard instead of just a residential street. Although it is mostly occupied by houses, we do have state funding for that road, or at least had it at one time. The kind of business going on this parcel is something that we recognize will be used by the residents in the area and the commuters going by. Therefore, we see a great need in keeping this curb cut on to 36th.

Commissioner Schiff: For traffic flow reasons.

Shan Morton: For traffic flow reasons, we recognize it's the safest way to get out on to Cedar Ave and we also recognize that the neighborhood will be using this property.

Commissioner Schiff: Mr. Wittenberg, do you understand that we've got an obligation to approve a curb cut on a non-commercial street like 36th?

Staff Wittenberg: The city is not obligated to provide any specific access; it's a matter of ensuring some degree of reasonable access and then determining which range of options are the safest from a traffic engineering and pedestrian standpoint.

Commissioner Schiff: Can you expand a little bit? How do you understand traffic will be affected on Cedar if we were to not allow that 36th St curb cut? What would happen both at the light as well [tape ended]...on that block just north of the light?

Shane Morton: The left turners are coming from Cedar or northbound Cedar trying to make their way in to this development would greatly be affected. They'd have to wait for the gaps for the southbound Cedar and then vice-versa when they exit this development going north. They'd have to wait for the gaps, which could cue up more and more cars at the development site, which could really impede traffic right on that development. Given that our recommendation or what we have acknowledged in the past was once cars do start cueing up, people get nervous, people want to go when it's not safe. Again, our safest recommendation of the safest place would be at 36th at that signal.

Commissioner Schiff: Do you understand that the tankers will need to access through 36th; that's the only possible way in order to fuel these tanks?

Shane Morton: My understanding was they exit on 36th, enter southbound Cedar, go through their lot and my understanding was that they could potentially exit out on to Cedar but there is a great maneuvering problem there where they have to back up and go forward. It would be a headache or a hassle.

Commissioner Schiff: So you think they'd have to enter and exit off the 36th St?

Shane Morton: No. My understanding was they enter off of Cedar...

Commissioner Schiff: Enter off of Cedar, exit off of 36th. Ok. What about the possibility of making it only accessible for the tankers and having it closed the rest of the time?

Shane Morton: I don't see that being possible. With the amount of traffic that a gas station generates and for the use that is actually there, being that the residents do use it or the residents in the area will use it, the commuters will use it, the cut through traffic will be at a minimal, people going into the neighborhood will be mostly done by residents, people commuting on by generally use a gas station as convenience; it's the closest one around, they're going to get in and get out. There's really not a big need to travel through the neighborhood for something like this.

Commissioner Schiff: Ok, thanks for being here.

Staff Sether concluded the staff report.

President Motzenbecker: Can you clarify what you were saying? I was unclear on why the canopy trees were switched out for the Serviceberry trees.

Staff Sether: It's my understanding that their screening ability is greater than that of maybe an elm or oak tree.

President Motzenbecker: So they're using the Serviceberries as screening as well?

Staff Sether: Yes.

Commissioner Norkus-Crampton: I had a question along those lines too. When I was thinking about screening, especially for this type of use because since it is a community corridor and when they talk about that commercial services do not...the goal is that commercial services don't overwhelm the character of the streets and that they don't create noise and significant traffic or disruption to the neighbors by being open to the public for extended hours, all those kinds of things, so I would think in this case the purpose of the screening on the north side closest to the neighbors, that it's not only a visual screen but also there are noise issues. You have the idling cars directly on the other side of the screen. I'm assuming there are going to be vacuum cleaners and things like that as part of that and I understand the aesthetics of wrought iron and trees on that site, but I don't know how that deals with the screening of the noise and replacing a six foot fence with some young trees and wrought iron, I guess I'm not sure if that mediates those uses so I was just curious from your perspective how that accomplishes the goal of kind of wedging in a use here that...a commercial use right next to residential on a community corridor.

Staff Sether: The closest idling vehicle will be about 110 feet from the nearest residential property. There are about three or four residential properties that will be left along Cedar. There could be a condition to allow for additional screening here if the Planning Commission so chooses to mitigate for noise. It's not required. For the most part, the structure itself, the carwash facility, will do a great deal of noise mitigation from what actually occurs on the site. There is some dense shrubbery and then the Serviceberry trees proposed along the alley.

Commissioner Norkus-Crampton: I guess I'm looking more at the alley; the barrier between the alley and the residential houses right back there.

Staff Sether: Staff is concerned about providing a six foot solid fence there just for the purposes of tagging. In addition, we thought that sufficient screening and solid, dense living materials will be a better visual barrier as well.

Commissioner Norkus-Crampton: I understand from an aesthetic standpoint. I guess what I'm saying is that's where the cars are going to be lining up for the carwash. Where is the vacuum area on this site? Do we have any precedence, for instance, I'm just thinking more of uses and noise in terms of nuisances to have maybe either separate hours for the gas station versus the carwash itself or maybe separate hours for the vacuuming or something that would

cause less conflict with...I mean, I can imagine living next door and hearing the vacuum cleaners on a Saturday starting at 6:00 am. That wouldn't make me real happy as a neighbor.

Staff Sether: I believe the hours of operation are extended for the full hours of operation of the facility, which include the carwash facility as well as the vacuum. I don't know if we previously set additional conditions or restricted hours further for those types of uses.

Commissioner Norkus-Crampton: Some gas stations have separate hours for the carwash versus the gas station, that's nothing new, I was just curious.

President Motzenbecker: We may want to ask if there is a vacuum here or not.

Staff Sether: There is.

Commissioner Schiff: I saw in a previous approval for SuperAmerica on E Lake St that the city had a requirement that air service machines shall not be located in a required yard. What you're showing is within the front yard setback or no?

Staff Sether: No, it's not. That reflective step back for the residentially zoned property is only for 40 feet. This is outside of that 40 feet.

Commissioner Schiff: Are there other locations that you could suggest that might further protect people from the noise on the site plan?

Staff Sether: Originally we were thinking about moving it to the opposite end of that parking area; so something a little further west here. Then we were worried about the conflicts and the noise with the closer residential. As I mentioned, it's at least 110 feet to the nearest residential along Cedar, I mean, there are commercial uses for the most part...well, that's actually where we're getting into residential across from Cedar, but Cedar in itself makes a great deal of noise with just normal traffic. In the end we decided that that's probably the most appropriate location.

President Motzenbecker opened the public hearing.

Peter Roos [not on sign-in sheet]: I'm representing Holiday in their application. We're in support of the staff report with the minor exception of looking at limiting our hours from our 24 hour application. Monday-Friday is a very important time for us and with the commuter traffic that's coming in; people are up and getting ready for work. We would appreciate having an additional hour in the morning; 5:00 a.m. Monday-Friday. We had talked to Shanna briefly about this and she kind of misunderstood what we said where she wanted to take an hour away from us on back end of the recommendation which was midnight. We'd still like to be open until midnight Monday-Friday but we'd appreciate an additional hour in the morning. A quick question about the carwash hours; typically we run our carwashes from 8:00 a.m. until 10:00 p.m. so that is not something that we haven't heard before...

Commissioner Norkus-Crampton: So that'd be something you could live with on this proposal seven days a week?

Peter Roos: Absolutely. We have modified the screening along the alley there. When we met with the Committee of the Whole we were talking about the raised beds, we had concerns about the arborvitae. Our landscaper said they just weren't going to be salt tolerant and we weren't going to be able to keep them alive. We came up with a short wall with the fencing, I don't know if that's in the packet, with the vegetation on the other side. We are putting arborvitae in, not Serviceberry so we will have a year-round green wall there we hope.

Mary Lynn Pulscher (3545 19th Ave S): I'm here because I'm asking you to deny the request to extend any of the hours for the site and that you maintain the hours that were for the C2 and that it's not open earlier or later. I think that's an undue burden to the neighborhood. I'm also hoping that you could look at another means of the driveway that's coming out on 36th, the one that's there currently really was only ever used for A to Z to move trucks in and out of their building. It wasn't used by the public and there wasn't a lot of traffic that was actually generated off of that area. If there was a way to have that only be a one-way, it doesn't sound like we can totally eliminate it, but I have major concerns about that. I'd also like to know if Public Works would be willing to do some sort of traffic count on 36th St east or west prior to the construction so that we know if traffic does increase that something could be done in terms of changing the light or adding a stop sign or two or something because you can hit the Bloomington Ave light and fly across and hit the light at Cedar Ave and you can keep going. I think people are going to shortcut across 36th St going east to go down 28th St and then get back on to 38th instead of taking the corner at 38th and Cedar again. With the site plan itself, I'm hoping that they don't use gravel in the beds. I have yet to see a gas station that can actually keep that clean. All the trash accumulates there, you cannot rake it out. I would hope they would switch that over to mulch so you can rake all the trash out. I think that trash generation from the site is also going to be pretty phenomenal. Thank you.

Holly Miller Byzewski (3612 18th Ave S) [not on sign-in sheet]: There already is an excessive amount of traffic on 18th. We have 14 children just on our block. I've been in contact with Shane about the amount of traffic and ways to get it off of our street because it is fast as well. My concern is if there is a curb cut on 36th, which really is not being used by A to Z Rental at all right now and it wasn't being used for just fuel trucks and for the public, what's to say that those people that are waiting to get out of that parking lot and to the light to avoid that light, get on to 18th and there is no stop signs or anything so it is just a quick way to get to 38th and decide which way to go on 38th. The trash, just as the last person said, I'm concerned about the amount of trash that is going to be generated from this site and using mulch instead of rock and then there are going to be any of the concrete trash receptacles that are going to be put on the corners near this facility. Thank you.

Eric Gustafson (3451 Cedar Ave S): I'm representing the Corcoran neighborhood organization. As Shanna mentioned, we helped convene a community meeting on February 12. We had a big turnout of 41 people. What we heard loud and clear was that the majority of folks, and these were a lot of neighbors from very near the site, were opposed to the 24 hour operation. When asked specifically about extending the hours a couple of hours the majority of attendees were opposed to that as well. The other thing that we heard loud and clear at that meeting was the concern about the 36th St curb cut. The majority of folks were opposed to that citing the narrow 36th St, existing problems with congestion and parking and also some school bus stops that are on the corners just to the west of this driveway and intersection. Our organization passed two resolutions on this matter supporting what we heard from neighbors at that meeting. One resolution is asking the Planning Commission to

deny the request for hours outside of standard operating, which would be closing at 10:00 p.m. and 11:00 p.m. on Friday and Saturday. We also passed a resolution asking the Planning Commission to reject a curb cut on to 36th St. I wanted to ask staff if they could illuminate some of the findings on page 13 of the staff report. The code requirements shared there state “the traffic shall be directed to minimize impact upon residential properties” and then more to the point, the staff report on page 13 states that “the proposed access and curb cuts are not expected to increase traffic impacts upon the residential properties.” I don’t see any supporting information and that seems like a pretty important point so I’m wondering if they can expand on that. Just briefly back to the extended hours issue, we’re a little concerned about the proximity of this proposed station to an existing station at 34th and Cedar, just a block and a half away. We’ve had a lot of crime problems at that station in the last several years and we’re concerned about a precedent being set for extended hours in this Cedar Ave corridor, especially with the pending sale of that 34th and Cedar Shell station. The staff report, with regard to the extended hours, says that “customers will be advised via signage to turn down their car radios and respect neighbors.” That’s appreciated but I don’t think it’s a realistic measure and so I hope we can find a more realistic solution to the concerns about extended hours. Thank you.

Commissioner Norkus-Crampton: Do you know what the hours are of the station at 34th and Cedar?

Eric Gustafson: They had to conform to some revised license operating conditions a couple years ago because of the issues and I believe they were limited in those conditions to 7:00 a.m. to 10:00 p.m. and 7:00 a.m. to 11:00 p.m. Friday and Saturday. I looked that up from the document that licensing shared with us and maybe Council Member Schiff can...

Commissioner Schiff: I don’t remember an extension of hours for them and they came within about six hours of getting their whole site plan stripped and their business license revoked for failure to implement site plans so I think that issue would have come up at that time when we were so close to shutting them down. Maybe staff has the exact answer.

Eric Gustafson: I’m pretty confident they are limited to 10:00 p.m. and then 11:00 p.m. on Friday and Saturday.

Mala Vujnovich (3433 16th Ave S): I’m opposed to the whole plan because I lived in the neighborhood long enough when the SA was on 35th and Bloomington. There was a lot of traffic, a lot of crime, a lot of loitering, a lot of garbage and so this whole plan raises that red flag for me. I’d like to see that the closing time is adhered to as specified. I think 24 hours in our neighborhood is too much. I also think that the streets between Bloomington and Cedar Ave already have tremendous burden from Lake St all the way down to 38th so to allow for a curb cut at 36th just increases that even more. It is a residential street it’s not a commercial street. I do know that they had to have a security guard at the 34th and 17th gas station on weekends just because of the loitering and the crime and so that’s another issue that I’d like to bring up. Oh, 34th and Cedar, the Shell station, sorry.

Steve Hanson (3529 18th Ave) [not on sign-in sheet]: The curb cut that we all speak of on 36th, I don’t see how a tanker is even going to be able to get in and out of there with the parking. Is that going to go to no parking on that street? As it is now, there are cars on both sides. You have to wait to let somebody go and get around. I don’t see how that’s going to

work. I'm a little bit confused as to what is going to be between the alley and the cars that are waiting for the carwash. They don't want to put a six foot fence in because of tagging, I don't know if that's a good enough reason not to put in a six foot fence. I don't know that a wrought iron fence with year round greenery is sufficient, but I don't know exactly what it is that you guys do, but hopefully you will think about that. My last point is that every house that is directly behind this proposed gas station, or across the street from the gas station, has at least one child under four. I say we should stick with the closing times and not approve any extended times. Thank you.

Kim Matthews (3517 18th Ave) [not on sign-in sheet]: I've heard some general statements about how Holiday is going to make things nice and pretty for us, but are they really going to keep the garbage clean? I already have trash all over my alley, all over my yard from the nasty Shell station across the street and a grocery store that just closed. We have struggling businesses in the neighborhood and I really wonder if having a Holiday station is really in the best interest of my community. I kind of doubt it. I just wanted to throw in my support for what my neighbors have said. It seems like it's already a done deal so at minimum I would say please don't let this be a 24 hour station. I'm already having concerns about safety in my neighborhood. As far as the fence or screen or whatever goes, I hope that this is constructed in such a way that it's screening sound, but also not hampering visibility so people feel that they're in danger walking down the street.

President Motzenbecker: Just to clarify for everyone, part of the development standards for this particular facility in the code is that they have to daily inspect for litter and clean up within 100 feet of the property. That's actually in the report that you have on page five, number four. If that's not being done, please call 311 and report it and make sure they do.

Tim Rian ((3533 18th Ave S): I'm one of the people that has younger children. I actually have a seven year old that catches the bus on 36th and 18th in the morning. In response to opening at 5:00 a.m., I would disagree with that. I would prefer holding to what the zoning hours are because they catch the bus at 7:45 a.m. and people pulling out on to 36th are not going to be as cognizant. There is probably ten kids that catch the bus there. I also have a four and one year old and I would like to see the hours of operation remain within the code. I don't like the environmental impact of having a large gas station there. I know that's not something that may be germane to this discussion but I just wanted to say it. I guess that's about it. Thank you.

President Motzenbecker closed the public hearing.

Commissioner Schiff: Question for Ms. Sether, on the landscaping and the sound mitigation efforts for the neighbors, how much space is there to work with if we were just to make sure there was the minimal drive aisle requirements necessary along the alley? I know we have done a masonry fence before as a sound barrier, particularly with the SuperAmerica on E Lake St, would something like that be feasible here? I know we'd landscaping on top of the masonry so it didn't become constantly tagged with gang graffiti.

Staff Sether: As you may remember, I had a maneuvering plan up here earlier that showed the stacking of the carwash to approximately here. There is not a drive aisle required between the pumps and the carwash stacking area so this is actually already insufficient to allow for more than one vehicle. The required landscaping adjacent to the residential is seven

feet and that's what the applicant has shown. I believe that this is 22 feet so increasing the amount of landscaping adjacent to the alley, I don't believe there is enough room.

Commissioner Schiff: Not enough room. That landscaping bed right now is seven feet wide?

Staff Sether: That is correct.

Commissioner Schiff: I will defer to the architects with expertise in landscaping if there is any possibility for combination of greening and masonry in just seven feet. It's an extremely tight space.

President Motzenbecker: I think they've already said they're going to put a small masonry wall up at the base so I suppose the answer is yes, it is there it can just keep going higher. It would be a different structure wall depending on how high it went because you...

Commissioner Schiff: Then it becomes a graffiti target.

President Motzenbecker: Depending on how tight they are planting the arborvitae, and I was going to recommend they use a techny arborvitae, but if you plant them about four feet on center they will grow to a really thick hedge. We can ask that they start with some bigger plants than are normally planted. Actually the sound attenuation given by those types of hedges is actually quite substantial.

Commissioner Schiff: I appreciate your expertise in this area and would ask you to suggest that the minimum height be for those to be installed so we get the benefits. Just having a six inch shrub would be a long time to wait for the benefits for greening and sound insulation for the neighbors. I will make the motion unless there are other questions for staff.

Commissioner Huynh: I have a question for the applicant. One issue that we had discussed at the previous CoW meeting was looking at the glazing percentage on 36th St and looking at increasing it. I noticed that you're requesting alternative compliance along 36th. Can you address what your hardships are in terms of not being able to meet the 30%?

Dave Heshen (Holiday Stores) [not on sign-in sheet]: I head real estate for Holiday Station stores. After our meeting with the Committee of the Whole, we did go back and move around the inside pieces of our store. I think at the Committee of the Whole one of the planning commissioners had done a little sketch and we realized we didn't have restrooms. We went through a number of iterations and people had to talk about them. One of them was, in order to create this, a site line from the check out area out to the corner of Cedar Ave, was potentially reducing the size of restrooms. We have what we call multiple use restrooms here. The purpose of that is so that you don't have a small space that's locked that people go into. As part of our security measures for here, we wanted to have a more public men's and women's restroom. When we did that, that was one of the pieces that hindered us. It's our cooler systems as well as our food offerings. It simply didn't work. Peter is reminding that as a result of that, we did end up with glass and a door on Cedar Ave which we had not been proposing before.

Commissioner Huynh: I understand that was your decision for the east portion of the southern façade, but on the west side you have a desk table and just looking from the outside

façade you have two real windows and what's the material make up of the faux windows? Is it continued brick? Some look like it was boarded up and I was just curious...

Dave Heshen: That drawing was done specifically to try...they're going to appear as if they're glass it's just that you're not going to be able to see into the building and the purpose of that drawing making it look like they were boarded up was to really show to you which ones are actually going to see into the building.

President Motzenbecker: So they're spandrel glass?

Dave Heshen: Yes.

Commissioner Huynh: Is that going to be really noticeable from the public view in terms of someone walking from the outside...

Dave Heshen: Someone walking on the outside, it's going to appear to them that it's glass, it's just that you won't be able to see into the building. That was the purpose of that exhibit was so that you could see that. Even though it would appear like glass from 36th St you wouldn't be able to see into the building.

Commissioner Huynh: But the portions that you're showing the two panes of glass on the east and west, you'd be able to see in and out of the store.

Dave Heshen: You will, as well as the glass along the top of the perimeter.

President Motzenbecker: That was one of the questions I had too because I was wondering with all the requests for alternative compliance and we didn't really see anything coming back from you guys that we had asked you to explore. In fact, on the rendering that you show, the Cedar Ave façade glass and door seems to have shrunk in your elevation versus your rendering. It seems to be almost two-thirds to one-third in the rendering and in the elevation you show it seems to have reversed so I would say it looks like you've lost even more glass and door than you originally brought to us and we're stuck with a corner building that has two blank walls right at the corner which we tried to have you look at some alternative interior layouts for that, but I find it hard to believe that you can have only one interior layout for your building.

Dave Heshen: We don't have only one and this represents a number of changes. I think that if you check with your planning staff you would understand that although we've only appeared before you twice, the number of iterations that this site has gone through, both inside and outside...

President Motzenbecker: That doesn't answer my question of what you're offering the city, the residents, in exchange for kind of this request for alternative compliance when we've asked you to explore some things and you, for whatever your reasons, have neglected that but you're still asking for extended hours and all these other pieces. What are you providing back in exchange for those things?

Dave Heshen: I think if you look at our entire offering here, we think we're offering a wonderful facility for a neighborhood that is going to provide a service for that neighborhood.

Commissioner Norkus-Crampton: We know that when you have stores or gas stations that you have extra trash around. How many trash cans are you providing on the site at this point?

Dave Heshen: I don't know exactly, but they are around the perimeter of the site.

Commissioner Norkus-Crampton: Around the entire perimeter? Ok, thank you.

Commissioner Schiff: I want to thank all the neighbors who participated in the meeting that was held at the Corcoran neighborhood offices as well as who took the time to come down and who sent all the emails and submit letters in writing. I think the city doesn't see very often a new gas station. I think this is the first one since the SuperAmerica on E Lake St so somehow the ninth ward gets blessed with all the new gas stations in the city, but certainly there is an understanding that if this was a rezoning to allow a new gas station we probably wouldn't be discussing this very long today because I would not be in favor of it. Given that the zoning already allows and that Holiday found probably one of the of few C2 zoned lots in the city that was for sale we don't have any legal ability to completely block this application today so I think we're going to spend most of our time discussing conditions that will mitigate the impact and I certainly don't minimize the impact that the neighbors can expect and I understand that property values are going to be affected by this and this is not really economic development that the city gains. We're going to be taking gas users from one neighborhood and moving them to another to purchase their gas. There's not going to be a net increase of driving as a result of this gas station and we're not gaining more sales tax so this is not really economic development that is going to benefit the city and probably the loss of property values on the block are going to balance out with anything new from this development. With that I think we should seriously look as much as we can to mitigate the impact on the surrounding neighbors. The first motion is the conditional use permit, just for this site. The only condition in addition to the ones that the staff is laying out that I would make right now is to not allow any use of speakers at the pumps except for emergency purposes...it's under B and I'm going to move it to A, the first conditional use permit, because I don't think it's about extended hours. I think that's just about use in general. (El-Hindi seconded).

President Motzenbecker: Moved and seconded with the option of moving condition number one from item B into item A.

Commissioner Schiff: Condition two as well. It was previously under B and I'd like to move it to A.

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

Commissioner Schiff: I'd like to move denial of the conditional use permit for extension of hours (Norkus-Crampton seconded).

President Motzenbecker: Any further discussion?

Commissioner Schiff: I think the standard hours of operating are sufficient and anyone who looks at the site knows it's surrounding by single family and low density residential structures

and we don't want to create a precedence on Cedar Ave for the Shell station for any extension of hours and this is not a growing commercial corridor. That's not what this is. It's an isolated community corridor and is predominantly residential and the extension of hours run contrary to the goals of a quality neighborhood.

Commissioner Norkus-Crampton: Commissioner Schiff, in lieu of the conversation over the car wash and vacuum cleaning hours and since the applicant agrees that they do have a practice of operating those only between the hours of 8:00 a.m. and 10:00 p.m. regardless of the hours, would you be willing to take that as condition number four "car wash and vacuum cleaner to be operating only between 8:00 a.m. and 10:00 p.m. seven days a week."

Commissioner Schiff: Absolutely.

President Motzenbecker: Actually, can I clarify? That would be condition number two since we removed the two.

Commissioner Norkus-Crampton: Ok.

Commissioner Schiff: We can't condition a denial. Given that my motion was to deny then maybe you want to reopen the first one and that as an additional or tack that on to the site plan.

President Motzenbecker: Or we can just add it to site plan review I think unless you'd rather have it in conditional use. Ok, we're good. All those in favor of staff recommendation to deny? Opposed?

The motion carried 7-0.

Commissioner Schiff: On C, the variance is the only variance being applied for and is reducing the front yard setback from 20 feet to 15 feet to allow for the accessory carwash facility and I think this helps move that carwash facility a little bit closer to the street and further away from the nearest residential property so I'm going to move approval of that (Huynh seconded).

President Motzenbecker: Any further discussion? All those in favor? Opposed?

The motion carried 7-0.

President Motzenbecker: Item D is withdrawn. That brings us to site plan review.

Commissioner Schiff: I'd like to move approval of the site plan review with additional conditions. I was able to get a copy from the Clerk's office that were placed on SuperAmerica and I think these should be standardized just as good design wherever we have gas stations near residential properties. The first one is that requirements on the canopy; the light pollution is a serious issue when it come to gas stations and particularly late at night. It's going to be a major change for the residential neighbors to see this much light. Planning Commission approved previously restrictions on lights consistent with the National Dark Skies Standards so I'd like to introduce those as well right now. The language that we adopted previously was that "the applicant shall ensure lighted canopies on the property will

not exceed 60 initial raw lamp lumens per square foot. Furthermore, the lighting in the canopy shall be recessed with flat lenses to prevent glare and trespass. This will be documented in a photometric of the site congruent with Minneapolis Code 530.240 prior to approval. The applicant shall submit a final lighting diagram verifying compliance with the City's lighting standards and to determine the effect of lighting on the surrounding uses." Next one is on the freestanding sign on the site, it shall be no taller than 12 feet. I believe that matches the Cedar Ave Shell station down the street.

Staff Sether: Point of clarification, it was approved to 14 feet as a maximum.

Commissioner Schiff: Ok, shall be no taller than 14 feet to keep it consistent on Cedar Ave. As stated by one of the speakers, no rocks in the landscaping beds, but mulch. Also, the applicant shall work with the Park Board for the installation of boulevard trees along Cedar Ave that are not shown in the site plan. I will defer to the chair regarding the height of the techny arborvitae. In the staff report there is alternative compliance that is recommended for the carwash facility as well as the building. I understand why we wouldn't want glass in the carwash facility that might actually increase the noise pollution on the site so I'm fine with alternative compliance, but I'm not comfortable with alternative compliance for the 36th St elevation so... I don't know how to do this because alternative compliance wasn't written in the staff report so I guess I'll just make the statement that the applicant shall meet the fenestration requirements.

President Motzenbecker: I think we can say they shall meet the 30%. I will just clarify for the condition for the hedge along the alley that the arborvitae should be six foot balled and burlapped and planted at four feet on center and that should provide a good instant hedge and they grow fairly quickly so it should fill in fairly nicely.

Staff Wittenberg: If I can just clarify, the fenestration requirement was that the 30% requirement must be met along 36th St?

President Motzenbecker: Correct.

Commissioner Schiff: Is it being met on the Cedar Ave side?

Staff Sether: Yes, it is being met. I know it's at least 30%.

President Motzenbecker: I will review the conditions as stated. Condition 10 I won't go over because I don't have that good of memory, but condition 11 that the freestanding sign no higher than 14 feet for consistency along Cedar. No rock mulch will be used, it will be shredded hardwood mulch. Applicant will work with Park Board to install boulevard trees where they are not shown or located on their current plans. The 30% window requirement shall be met on the 36th St façade and that six foot balled and burlapped arborvitae placed four feet on center will be integrated into the hedge along the alley. All those in favor? Opposed?

The motion carried 7-0.

Commissioner Norkus-Crampton: Where did we want to add the carwash hours?

President Motzenbecker: Let's move to reopen the CUP A. (Tucker moved, Motzenbecker seconded).

The motion to reopen item A passed 7-0.

Commissioner Norkus-Crampton: So carwash and vacuum cleaner only to be operated between the hours of 8:00 a.m. and 10:00 p.m. seven days a week.

President Motzenbecker: As added to item A, the CUP. All those in favor? Opposed?

The motion carried 7-0.