

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits, Variances and Site Plan Review
BZZ-4063

Date: July 7, 2008

Applicant: Holiday Stationstores Inc.

Addresses of Property: 601 5th Street North and 508 6th Avenue North

Project Name: Holiday Stationstore

Contact Person and Phone: Peter Roos 612-269-2204

Planning Staff and Phone: Jim Voll 612-673-3887

Date Application Deemed Complete: June 9, 2008

End of 60-Day Decision Period: August 8, 2008

Ward: 5 Neighborhood Organization: North Loop

Existing Zoning: I2 Medium Industrial and DP Downtown Parking Overlay Districts

Zoning Plate Number: 13

Legal Description: Not applicable for this application

Proposed Use: Automobile convenience facility and car wash.

Concurrent Review:

Conditional use permit: To allow for the construction of an automobile convenience facility and accessory car wash facility in the I2 Medium Industrial District.

Conditional use permit: For a 15-space accessory surface parking lot in the DP Downtown Parking Overlay District.

Conditional use permit: To allow for the extension of hours open to the public to 24-hour operation seven days a week.

Variance: To reduce the minimum number of stacking spaces.

Variance: To reduce the minimum allowable drive aisle width.

Site Plan Review.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 525, Article IX, Variances, Specifically, Section 525.520(6), “to reduce the applicable off-street parking, stacking, or loading requirements...” and Section 525.520(14), “to reduce the minimum required width of parking aisles...”; and Chapter 530 Site Plan Review.

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Background: The applicant proposes to demolish an existing automobile repair and automobile convenience facility with an accessory car wash and construct a new automobile convenience facility with accessory car wash. There will no longer be automobile repair at the site. This requires a conditional use permit and site plan review. The applicant is also requesting 24-hour operation, which also requires a conditional use permit. The site is located in the DP Downtown Parking Overlay District, which requires a conditional use permit for an accessory surface parking lot not to exceed 150 percent of the minimum required spaces or 20 spaces, whichever is less. The applicant is also requesting variances to reduce the required stacking and to reduce the minimum allowable drive aisle widths to allow stacking within some of the drive aisles.

There is an off-premise advertising sign (billboard) on the site that is shown as relocated from its current position on the proposed site plan for informational purposes only. This land use application does not approve or guarantee approval that the billboard can be relocated. The applicant is required to work with the zoning administration office on this item to see if the relocation is allowable.

Please see the attached letter from the North Loop Neighborhood in support of the project.

CONDITIONAL USE PERMIT: (to allow for a new automobile convenience facility and accessory car wash facility)

Findings as required by the Minneapolis Zoning Code: The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The applicant is proposing to construct a new automobile convenience facility and accessory car wash to replace an existing automobile convenience facility with accessory car wash and minor automobile repair. The applicant is proposing a number of site improvements including locating the building at the corner within eight feet of the property lines and new landscaping and fencing that will improve the security and compatibility of the use with nearby properties. With the appropriate conditions of approval and compliance with city requirements, this should be an improvement to the area and should not be detrimental to public health, safety, comfort or general welfare.

- 2. Will not be injurious to the use and enjoyment of other property in the vicinity and will not impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.**

The surrounding adjacent area is fully developed and surrounded by industrial and commercial uses, but there has been significant residential development a few blocks to the north of the site north of the interstate. The site is also located near the new Twins ballpark. The redevelopment of this parcel should not have negative impacts on surrounding properties.

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

The site is served by existing infrastructure and utilities and access roads are adequate. A drainage plan is required to be approved by Public Works at the final site plan stage. Public Works has requested that one curb cut be closed, with the preference that the northerly curb cut for the car wash be eliminated and that the exiting traffic be redirected to one of the other cuts. The site plan as proposed reduces the number of curb cuts from eight to five.

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

The gross floor area used to calculate the parking requirement of the convenience store is 3,274 square feet and the parking requirement is one space per 300 square feet of gross floor area; therefore, the required number of spaces is 11 for the store. In addition, one off-street parking space is required per 20 feet of washing line of the car wash, which at 85 feet of washing line requires an additional four parking stalls. The total required parking for the project is 15 spaces, one of which is required to be a van accessible handicapped space. The proposed parking area shows 15 spaces, one of which is a van accessible handicapped space. The site plan has a bike rack of four spaces. The site has adequate parking for the use and should not cause an increase in traffic congestion.

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

The Minneapolis Plan shows this area as part of the *Downtown 2010 Plan*, which is the part of the comprehensive plan that guides development for downtown; however, the *Downtown 2010 Plan* identifies this area as outside the downtown core and states, “although included in the downtown area, specific planning for these neighborhoods generally falls outside the scope of the Plan.” There is little guidance in the *Downtown 2010 Plan* for this site.

The Minneapolis Plan has the following relevant policy and implementation steps for the land use:

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Please see the site plan review section of the staff report for the discussion of the site plan's conformance with the urban design guidelines of the comprehensive plan. It is the opinion of staff that with the appropriate conditions of approval the proposed use is in conformance the relevant policies of the comprehensive plan. Although the *Downtown East/North Loop Master Plan* is not adopted as part of the comprehensive plan, it was approved as a small area plan by the City Council in October of 2003. Please see the site plan section of this report for the conformance with this plan.

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

With the approval of the other conditional use permits, variances, site plan review, and specific development standards, the conditional use permit will conform to the applicable district regulations.

CONDITIONAL USE PERMIT: (to allow for an accessory surface parking lot in the DP Overlay)

Findings as required by the Minneapolis Zoning Code: The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

The DP Downtown Parking Overlay District was established to preserve significant and useful buildings and to protect the unique character of the downtown and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots. The DP Overlay prohibits the establishment of commercial parking lots. It allows as a conditional use permit accessory parking lots provided the parking lot is on the same zoning lot as the principal use served and that the number of spaces does not exceed 150 percent of the minimum required spaces, or twenty spaces, whichever is less. The proposed lot is an accessory lot located on the same zoning lot as the principal use. The new facility is required to have 15 parking spaces and provides 15 spaces.

No significant or useful buildings will be removed for this lot. There is existing surface parking on the site currently. This proposal will rearrange the parking and buildings in a manner that is more in conformance with the goals of traditional urban design. For these reasons, the proposal will not circumvent the intent of the DP parking Overlay and should not be detrimental to the public health, safety, comfort or general welfare. It should be an improvement for the area.

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 surrounding adjacent area is fully developed and surrounded by industrial and commercial uses, but there has been significant residential development a few blocks to the north of the site north of the interstate. The site is also located near the new Twins ballpark. The removal and replacement of the surface parking lot that would not cause the demolition of a significant building nor significantly increase the area devoted to surface parking on the site should not have negative impacts on surrounding properties.

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

The site is served by existing infrastructure and utilities and access roads are adequate. A drainage plan is required to be approved by Public Works at the final site plan stage. Public Works has requested that the northerly curb cut for the car wash be eliminated and that the exiting traffic be redirected to one of the other cuts. The site plan as proposed reduces the number of curb cuts from eight to five.

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

The gross floor area used to calculate the parking requirement of the convenience store is 3,274 square feet and the parking requirement is one space per 300 square feet of gross floor area; therefore, the required number of spaces is 11 for the store. In addition, one off-street parking space is required per 20 feet of washing line of the car wash, which at 85 feet of washing line requires an additional four parking stalls. The total required parking for the project is 15 spaces, one of which is required to be a van accessible handicapped space. The proposed parking area shows 15 spaces, one of which is a van accessible handicapped space. The plan has one bike rack of four spaces. The site has adequate parking for the use and should not cause an increase in traffic congestion.

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

The Minneapolis Plan shows this area as part of the *Downtown 2010 Plan*, which is the part of the comprehensive plan that guides development for downtown; however, the *Downtown 2010 Plan* identifies this area as outside the downtown core and states, “although included in the downtown area, specific planning for these neighborhoods generally falls outside the scope of the Plan.” There is little guidance in the *Downtown 2010 Plan* for this site.

The Minneapolis Plan has the following relevant policy and implementation steps regarding the land use:

4.4 Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.

Implementation Steps

Provide for a range of commercial districts that provide the services required by the residents and businesses.

Encourage the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.

Please see the site plan review section of the staff report for the discussion of the site plan's conformance with the comprehensive plan. It is the opinion of staff that with the appropriate conditions of approval the proposed use is in conformance the relevant policies of the comprehensive plan.

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

With the approval of the other conditional use permits, variances, site plan review, and specific development standards, the conditional use permit will conform to the applicable district regulations.

CONDITIONAL USE PERMIT (to allow 24-hour operation)

Findings as Required by the Minneapolis Zoning Code:

The Minneapolis City Planning Department has analyzed the application and from the findings above concludes that the establishment, maintenance, or operation of the proposed conditional use:

1. May be detrimental to or endanger the public health, safety, comfort or general welfare.

The permitted hours of operation in the I2 Medium Industrial District are 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The applicant proposes to be open 24-hours everyday. The Police Department has informed planning staff that they can not support 24-hour operation at this location. Other convenience stores in the downtown area, or north of downtown, have had their 24-hour operations limited due to significant numbers of police calls. The Police Department does not believe they will have the resources to provide service to this location during 24-hour operations. In discussions with planning staff, the Police Department has indicated that they would not object to the store being open from 5:00 a.m. until Midnight. Planning staff believes that this would be a reasonable alternative and recommends that the Planning Commission approve these hours in lieu of 24-hour operation.

2. May 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.

Staff uses the following criteria to determine compatibility of extended hours with the surrounding area:

a) Proximity to permitted or conditional residential uses. The nearest residential uses are approximately two blocks north of the site north of 1-94 elevated roadway.

b) Nature of the business and its impacts of noise, light and traffic.

The business is a convenience store with gas pumps and an accessory car wash. There is a potential for noise to be generated by the car wash, vehicles, and any speakers at the gas pumps.

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- c) Conformance of use. The proposed use is not yet operating, but it is a conditional use in the I2 District. It requires a conditional use permit for extended hours, a conditional use for an accessory parking lot in the DP Downtown Parking overlay district, stacking and drive aisle variances, and site plan review. The zoning code limits operating hours to 10 p.m. (11 p.m. Fri/Sat). If the conditional use permit for extended hours and the other land use applications are approved, then the proposed hours and use will be in conformance with the code.
- d) Complaints received. The facility is not yet operating. The existing use does not have 24-hour operation and is open from 7:00 a.m. to 6:00 p.m. Monday through Friday and 5:00 p.m. Saturday; it is closed Sunday. There have been 18 calls for service in the last year (please see attached report), but it difficult to say if they are necessarily related to the uses in the building.

The extension of operating hours might be reasonable if there were not the potential for a significant number of calls for service at the site and if the Police Department had the resources to provide service to the site. Allowing the site to be open from 5:00 a.m. until Midnight should allow adequate police service to the site and should help to prevent significant calls for service to the site.

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

The site is served by existing infrastructure and utilities and access roads are adequate. A drainage plan is required to be approved by Public Works at the final site plan stage. Public Works has requested that the northerly curb cut for the car wash be eliminated and that the exiting traffic be redirected to one of the other cuts. The site plan as proposed reduces the number of curb cuts from eight to five.

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

The gross floor area used to calculate the parking requirement of the convenience store is 3,274 square feet and the parking requirement is one space per 300 square feet of gross floor area; therefore, the required number of spaces is 11 for the store. In addition, one off-street parking space is required per 20 feet of washing line of the car wash, which at 85 feet of washing line requires an additional four parking stalls. The total required parking for the project is 15 spaces, one of which is required to be a van accessible handicapped space. The proposed parking area shows 15 spaces, one of which is a van accessible handicapped space. The site plan has a bike rack of four spaces. The site has adequate parking for the use and should not cause an increase in traffic congestion.

5. May not be consistent with the applicable policies of the comprehensive plan.

The Minneapolis Plan shows this area as part of the *Downtown 2010 Plan*, which is the part of the comprehensive plan that guides development for downtown; however, the *Downtown 2010 Plan* identifies this area as outside the downtown core and states, “although included in the downtown area, specific planning for these neighborhoods generally falls outside the scope of the Plan.” There is little guidance in the *Downtown 2010 Plan* for this site.

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The Minneapolis Plan has the following relevant statement, policy, and implementation steps regarding public safety:

“Ensuring that public safety infrastructure meets the needs of citizens is an equally important factor in improving the 'peace of mind' equation that makes city living appealing to residents. The condition and adequacy of street lighting, police and firefighting facilities are of great priority to the city's long-term livability. Crime Prevention Through Environmental Design (CPTED) is a way of thinking about buildings and open spaces that encourages law enforcement officials, architects and developers to make urban areas safer and more secure for people using them. One of its most important components is the need to maximize surveillance, from buildings to parking lots, houses to the street, or schools to playgrounds. It also focuses on lighting, building layout and open space configurations, among other aspects.”

1.12 Minneapolis will ensure that public safety infrastructure adequately meets residents' needs.

Implementation Steps

Plan and provide for the necessary resources, personnel, equipment, training and the proper direction of these resources so that basic fire and emergency medical services can be effectively delivered to citizens.

Dispatch police and fire resources to emergency and non-emergency scenes.

Provide full service police precinct stations, assembly locations and smaller "cop shops" in commercial areas where a police presence is needed to deter crime.

Locate fire stations throughout the city within a four minute or less response time, to minimize fire loss and expedite rescue and emergency medical service.

Assure that new developments and renovation of existing structures adhere to the principles of Crime Prevention Through Environmental Design (CPTED).

Improve public safety infrastructure by evaluating existing street lighting standards to determine if current standards are adequate to today's safety needs.

Develop street lighting standards in the city according to the following criteria: Adequacy of light output, glare control, capital costs and energy efficiency within the context of public safety, aesthetics, neighborhood livability and economic development.

It is necessary to consider the impacts uses may have on the ability of the Police Department to provided service. The Police Department has indicated that in this case they anticipate there may be a large amount of calls for service that would place a significant demand on their resources; therefore, 24 hour operation may not be in conformance with this goal of the comprehensive plan.

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

With the approval of the other conditional use permits, variances, site plan review, and specific development standards, the conditional use permit will conform to the applicable district regulations.

VARIANCE(to reduce the required number of stacking spaces)

Findings Required by the Minneapolis Zoning Code:

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

The zoning code requires three stacking spaces per each 20 feet of washing line. The proposed car wash has 85 feet of washing line for a requirement of 13 stacking spaces. The site plan only has room for 10 stacking spaces, so a variance to reduce the minimum number of stacking spaces is necessary. This is a 15 percent reduction. The site has an irregular shape and in order to locate the convenience store at the corner to meet the goals of traditional urban design the underground fuel storage tanks and car wash are located at the westerly side of the site with little alternative for other locations. This is a hardship. The applicant is providing room for 11 stacking spaces, which should be adequate except for possibly during extremely busy periods. This is a reasonable use of the property.

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

As noted in finding number one, the site has an irregular shape and in order to locate the convenience store at the corner to meet the goals of traditional urban design the underground fuel storage tanks and car wash are located at the westerly side of the site with little alternative for other locations. This is a unique circumstance that is not generally applicable to other properties in the city.

- 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.**

The intent of the ordinance is to provide adequate stacking space for vehicles waiting to enter a car wash, so they are not queuing into the public right-of-way. The site has room for 11 stacking spaces, which should be adequate except during extremely busy times, so the variance should not circumvent the intent of the ordinance.

- 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.**

There is room for 11 stacking spaces, so the variance should not generate additional traffic congestion in the public streets. It should not be detrimental to the public welfare or safety or increase the danger of fire.

VARIANCE (to reduce drive aisle widths)

Findings Required by the Minneapolis Zoning Code:

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

The zoning code requires stacking spaces for the car wash and at the ends of the gas pumps. In addition, it does not allow stacking spaces or lanes to be within required driveways, internal circulation driveways, or parking aisles. The car wash and gas pump stacking spaces will conflict with drive aisles at the southwest side of the site along the car wash stacking and also the south and easterly side of the gas pumps.

The parking spaces at the southwest area that conflict with the car wash stacking will not be heavily used and the other stacking encroaches approximately three feet into the drive aisles. Staff recommends that the median between the parking and the stacking aisle on the north be reduced by four feet. This would put the drive aisle at 18 feet wide, only two feet short of the required 20 feet for a one-way drive aisle. This would reduce the landscaping by approximately 200 square feet, but there would still be approximately 25 percent of the site, minus the buildings, that is landscaped.

The site has an irregular shape and in order to locate the convenience store at the corner, to meet the goals of traditional urban design, the underground fuel storage tanks and car wash are located at the westerly side of the site with little alternative for other locations. This is a hardship. The applicant has designed the site to have minimum conflicts between stacking and the driveways and aisles. It would be difficult to meet all of the standards and still have the building located at the corner and while providing the required landscaping. The proposed design should be adequate except possibly during extremely busy periods. This is a reasonable use of the property.

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

As noted in finding number one, the site has an irregular shape and in order to locate the convenience store at the corner to meet the goals of traditional urban design the underground fuel storage tanks and car wash are located at the westerly side of the site with little alternative for other locations. This is a unique circumstance that is not generally applicable to other properties in the city.

- 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.**

The intent of the ordinance is to provide adequate maneuvering space for parking areas. While not ideal, the conflicts are in areas where there parking will not be utilized heavily or where the encroachment is only about three feet, so the variance should not circumvent the intent of the ordinance.

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

The site provides the required parking, has only a slight decrease in required stacking, and minimal conflict between the stacking and drive aisles, so the site design should not increase congestion in the public streets. It should not be detrimental to the public welfare or endanger public safety.

SITE PLAN REVIEW

Required Findings for Site Plan Review

- A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)**
- B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan and applicable small area plans adopted by the city council. (See Section B Below for Evaluation.)**

Section A: Conformance with Chapter 530 of Zoning Code

BUILDING PLACEMENT AND DESIGN:

- 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.

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- **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.
 - f. Industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, may provide less than thirty (30) percent windows on the walls that face an on-site parking lot, provided the parking lot is not located between the building and a public street, public sidewalk or public pathway.

Minimum window area shall be measured as indicated in section 530.20 of the zoning code.
 - The form and pitch of roof lines shall be similar to surrounding buildings.
- **Parking Garages:** The exterior design shall ensure that sloped floors do not dominate the appearance of the walls and that vehicles are screened from view. At least thirty (30) percent of the first floor building wall that faces a public street, public sidewalk or public pathway shall be occupied by active uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.

The convenience store is located up to the property line on the 5th Street North and 6th Avenue North sides. The car wash is located at the rear of the site approximately 25 feet from the 5th Street North property line. Staff recommends alternative compliance for the car wash as it is not practical to have the exit up to the property line, where vehicles and operation would have a direct impact on the public sidewalk. In addition, the applicant has located the main building up to the corner to create a street wall. The convenience store is up to the property line with no amenities between the property line and the public sidewalk, but the applicant is seeking an encroachment permit to allow five foot wide planting beds along the northerly and east sides of the building, which will be an amenity. There will be landscaping between the car wash and the public street.

The principal entrances face the parking lot and the intersection of 5th Street North and 6th Avenue North.

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The buildings will include architectural detail including a Mankato stone, brick, glazed brick, metal canopies, and windows. Any change in material may require that the project come back before the City Planning Commission for review of the changes. There are recesses, projections, windows, and an articulated roof across all elevations of the convenience store and car wash except for the northwesterly elevation of the car wash, which does not meet the prohibition on blank uninterrupted walls greater than 25 feet in length. Staff does not recommend alternative compliance and recommends that additional architectural detail be provided on this elevation.

The convenience store is required to have 30 percent windows on all six elevations (please see staff elevations key attached to this report). The south elevation has 31 percent windows, the west has zero, the northwest has 63 percent, the north has 26 percent, the east has 56 percent, and the southeast has 22 percent. The windows are all vertical in proportion, but are not evenly distributed. Staff recommends alternative compliance for these window requirements, due to practical difficulties and alternatives provided. It is very difficult to provide 30 percent windows on all sides of a building and the applicant has managed to provide windows with vision glass on all of the elevations, except the west elevation, which is only 20 feet long and faces the parking lot. If it were included with the northwest elevation the sides facing the parking lot would have 63 percent windows. The need for storage and coolers restricts the ability to provide the percentages on every elevation and to space the location in an even manner. The applicant has provided architectural detail to breakup the elevations where windows are not present as an alternative to evenly spaced windows. The car wash provides 30 percent windows facing the parking lot.

The structure and addition has a flat roof similar to other structures in the area.

There are no parking garages proposed for the site. The parking will be located in the interior of the site at the rear of the convenience store on the westerly side of the site behind the building.

ACCESS AND CIRCULATION:

- **Clear and well-lighted walkways of at least four (4) feet in width shall connect building entrances to the adjacent public sidewalk and to any parking facilities located on the site.**
- **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.**

The entrances to the building open onto the parking area and the public sidewalk. The entrance to the parking area is connected to the public sidewalks by a ten foot wide walkway.

There are no transit shelters or alleys on the site and there are no adjacent residential properties.

Public Works and the Fire Department have reviewed the site plan for access and circulation and find them acceptable with the changes indicated in the attached PDR report. The main issue is that Public Works is requesting that the curb cut from the car wash to 5th Street North be closed and traffic be directed to one of the other cuts.

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The site has been designed to minimize impervious surfaces and all areas that are not covered by buildings, pedestrian access, and paved areas necessary for parking, loading, and the associated maneuvering are pervious surfaces used for landscaping and stormwater management.

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.

The site plan shows 25 percent landscaping after the staff recommended change to the southwest parking area. The lot area is 38,271 square feet and the footprint of the buildings is approximately 7,399 square feet. This leaves 30,872 square feet, of which 20 percent (6,174 square feet) is required to be landscaped. The applicant is providing approximately 7,903 square feet of landscaped area. The development is required to provide 12 trees and 62 shrubs. The site plan shows 24 trees (but two will probably be lost due to the reduction in landscaped area by the southwest parking) and approximately 213 shrubs.

The seven foot wide landscaped yards with the required three foot screening between the parking and the sidewalks are provided, except for a small portion along 6th Avenue North adjacent to the westerly side of the building. Staff recommends alternative compliance for this requirement because the applicant is providing a decorative metal fence along the street frontages as an amenity in lieu of this requirement.

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All parking spaces are within 50 feet of a deciduous tree. All other areas not occupied by buildings, walks, plazas, parking, loading, and associated drives are landscaped.

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.
- 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.

Curbing is shown around the surface parking area the site will have a stormwater management plan that will retain water on site, so breaks in the curbing are not necessary.

At one story the buildings should have minimal the impact on important views of the city or shadowing public spaces and adjacent properties. It will not significantly generate wind currents at ground level.

The plan meets the CPTED guidelines. The site is designed with landscaping, fencing, and architectural features to delineate space and control access while allowing views into and out of the site. Staff recommends that proper lighting be provided and that the landscaping follow the three-foot seven-foot rule to allow proper views into and out of the site.

There are no historic structures on the site.

Section B: Conformance with All Applicable Zoning Code Provisions and Consistency with the Comprehensive Plan and Applicable Small Area Plans Adopted by the City Council

ZONING CODE: An automobile convenience facility with an accessory car wash is a conditional use in the I2 Medium Industrial District.

Off-Street Parking and Loading: The zoning code requires 1 space per 300 square feet of gross floor area in excess of 4,000 square feet for automobile convenience facilities. The gross floor area used to calculate the parking requirement of the convenience store is 3,274 square feet. The required number of spaces is 11 for the store. In addition, one off-street parking space is required per 20 feet of washing line of the car wash, which at 85 feet of washing line requires an additional four parking stalls. The total required parking for the project is 15 spaces, one of which is required to be a van accessible handicapped space. The proposed parking area shows 15 spaces, one of which is a van accessible handicapped space. The site plan has a bike rack of four spaces. A loading space is not required.

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Maximum Floor Area: The maximum FAR in the I2 Medium Industrial District is 2.7. The lot in question is 38,271 square feet in area. The site will contain approximately 7,399 square feet (5,399 for the C-store and 2,000 for the car wash) of gross floor area on the lot, an FAR of 0.19.

Building Height: Building height in the I2 Medium Industrial District is limited to 4 stories or 56 feet, whichever is less. The proposed buildings are approximately 23 feet high.

Minimum Lot Area: The minimum lot size for this use in the I2 Medium Industrial District is 12,000 square feet. The site is 38,271 square feet.

Dwelling Units per Acre: There are no residential units proposed.

Yard Requirements: No setbacks are required for this use in the I2 District.

Specific Development Standards: Specific Development Standards for an automobile convenience facility and a car wash are as follows:

Automobile convenience facility.

- (1) The sale or repair of vehicles shall be prohibited.
- (2) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (3) Service area canopy light fixtures shall be completely recessed within the canopy so that the lenses shall not extend beyond the surface of the canopy.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
- (5) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Car wash.

- (1) Water from the car wash shall not drain across any sidewalk or into a public right-of-way.
- (2) Vacuum facilities shall be located in an enclosed structure or located away from any residential use to avoid the impacts of noise.
- (3) All indoor and outdoor activities shall be subject to the regulations governing hours open to the public, as specified in the zoning district in which the car wash is located.
- (4) The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

Hours of Open to the Public: In the I2 Medium Industrial District, uses may be open to the public during the following hours: Sunday through Thursday from 6:00 a.m. to 10:00 p.m. and Friday and Saturday from 6:00 a.m. to 11:00 p.m. The applicant is requesting 24-hour operation, but staff is recommending hours of operation from 5:00 a.m. until Midnight (please see the conditional use permit section of the staff report).

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Signs: Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The applicant is aware that signs require zoning office approval and permits. The proposed sign plan meets the requirements of the zoning code except for the LED reader board, which is classified as a flashing sign by the zoning code and is prohibited in the industrial districts and the relocated billboard, which has not yet received zoning office approval.

Refuse storage: Section 535.80. Refuse storage containers shall be enclosed on all four (4) sides by screening compatible with the principal structure not less than two (2) feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The refuse containers is screened per code.

Lighting: The lighting will comply with Chapters 535 and 541 including the following standards:

535.590. Lighting. (a) In general. No use or structure shall be operated or occupied as to create light or glare in such an amount or to such a degree or intensity as to constitute a hazardous condition, or as to unreasonably interfere with the use and enjoyment of property by any person of normal sensitivities, or otherwise as to create a public nuisance. (b) Specific standards. All uses shall comply with the following standards except as otherwise provided in this section:

- (1) Lighting fixtures shall be effectively shielded and arranged so as not to shine directly on any residential property. Lighting fixtures not of a cutoff type shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb).
- (2) Lighting shall not create a sensation of brightness that is substantially greater than ambient lighting conditions as to cause annoyance, discomfort or decreased visual performance or visibility from any permitted or conditional residential use.
- (3) Lighting shall not directly or indirectly cause illumination or glare in excess of one-half (1/2) footcandle measured at the closest property line of any permitted or conditional residential use, and five (5) footcandles measured at the street curb line or nonresidential property line nearest the light.
- (4) Lighting shall not create a hazard for vehicular or pedestrian traffic.
- (5) Lighting of building facades or roofs shall be located, aimed and shielded so that light is directed only onto the facade or roof.

In addition to the above noted standards, all service area canopy light fixtures shall be completely recessed within the canopy so that lenses shall not extend beyond the surfaces of the canopy.

MINNEAPOLIS PLAN: : In addition to those policies listed under finding number five in the conditional use permit sections of this staff report the comprehensive plan has the following relevant policies and implementation steps regarding urban design:

9.6 Minneapolis will work with private and other public sector partners to invest in new development that is attractive, functional and adds value to the physical environment.

Implementation Steps

Facilitate the location of new economic activity (office, research and development, and related light manufacturing) that takes advantage of environmental amenities and co-exists with neighbors in mixed-use environments.

Promote the use of progressive design guidelines and street-oriented building alignments to maximize compatibility with surrounding neighborhoods.

Curb the inefficient use of land by regulating maximum and minimum height, setbacks, build-to lines and parking through master planning methods and zoning code regulations.

Require site designs which maximize the potential for public transit and alternative transportation use in commercial, research and development and light industrial developments.

Provide setbacks, build-to lines and landscaping standards in commercial and industrial districts that are appropriate to the impacts on neighboring uses.

9.10 Minneapolis will support efforts that recognize both the increased visibility and importance of corner properties and the role of gateways in enhancing traditional neighborhood character.

Implementation Steps

Require site plan review of new development or major additions to new structures (other than single family homes) on corner properties.

9.11 Minneapolis will support urban design standards that emphasize a traditional urban form in commercial areas.

Implementation Steps

Enhance unique characteristics of the city's commercial districts by encouraging appropriate building forms and designs, historic preservation objectives, site plans that enhance the pedestrian environment, and by maintaining high quality public spaces and infrastructure.

Enhance pedestrian and transit-oriented commercial districts with street furniture, tree planting, and improved transit amenities.

Orient new buildings to the street to foster safe and successful commercial nodes and corridors.

Require storefront transparency to assure both natural surveillance and an inviting pedestrian experience.

With the conditions of approval the site plan and building design are in conformance with these policies of the comprehensive plan.

SMALL AREA PLANS ADOPTED BY COUNCIL:

The *Industrial Land Use* study was adopted by the City Council on November 3, 2006. This site, while zoned I2 Medium Industrial is not within an employment district, which are areas designated for continued industrial use.

The *Downtown East/North Loop Master Plan* was approved by the City Council in October of 2003. This site is within the plan area. The planning area is divided into precincts and this site is located in the “Freeway West” precinct. This area is designated as mixed-use office and commercial and is deemed appropriate for heights of five to 13 stories; however, it was left zoned I2 Medium Industrial in the follow-up rezoning study. While not a multi-story commercial building, the proposed use is an allowable use in the I2 District. The plan encourages the following goals of parking located within developments to allow active uses along street frontages and the plan promotes pedestrian-friendly streetscapes, street-facing retail, and neighborhood services (see the executive summary). In general, the proposed development meets these goals of the *Downtown East/North Loop Plan*.

Alternative Compliance. The Planning Commission 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.**

Alternative compliance is requested by the applicant to meet the following standards:

- Building placement.

The convenience store is located up to the property line on the 5th Street North and 6th Avenue North sides. The car wash is located at the rear of the site approximately 25 feet from the 5th Street North property line. Staff recommends alternative compliance for the car wash as it is not practical to have the exit up to the property line, where vehicles and operation would have a direct impact on the public sidewalk. In addition, the applicant has located the main building up to the corner to create a street wall.

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- 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.

There are recesses, projections, windows, and an articulated roof across all elevations of the convenience store and car wash except for the northwesterly elevation of the car wash, which does not meet the prohibition on blank uninterrupted walls greater than 25 feet in length. Staff does not recommend alternative compliance and recommends that additional architectural detail be provided on this elevation.

- Windows on the east façade of the building link.

The convenience store is required to have 30 percent windows on all six elevations (please see staff elevations key attached to this report). The south elevation has 31 percent windows, the west elevation has zero, the northwest elevation has 63 percent, the north elevation has 26 percent, the east elevation has 56 percent, and the southeast elevation has 22 percent. The windows are all vertical in proportion, but are not evenly distributed. Staff recommends alternative compliance for these window requirements, due to practical difficulties and alternatives provided. It is very difficult to provide 30 percent windows on all sides of a building and the applicant has managed to provide windows with vision glass on all of the elevations, except the west elevation, which is only 20 feet long and faces the parking lot. If it were included with the northwest elevation the sides facing the parking lot would have 63 percent windows. The need for storage and coolers restricts the ability to provide the percentages on every elevation and to space the location in an even manner. The applicant has provided architectural detail to breakup the elevations where windows are not present as an alternative to evenly spaced windows.

- Parking lot screening.

The seven foot wide landscaped yards with the required three foot screening between the parking and the sidewalks are provided, except for a small portion along 6th Avenue North adjacent to the westerly side of the building. Staff recommends alternative compliance for this requirement because the applicant is providing a decorative metal fence along the street frontages as an amenity in lieu of this requirement.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for an automobile convenience facility and accessory car wash:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow an automobile convenience facility and accessory car wash for property located at 601 5th Street North and 508 6th Avenue North subject to the following condition:

1) 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.

Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for a 15-space accessory surface parking lot in the DP Downtown Parking Overlay District:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the conditional use permit to allow a 15-space accessory surface parking lot in the DP Downtown Parking Overlay District for property located at 601 5th Street North and 508 6th Avenue North subject to the following condition:

1) 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.

Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit for to allow 24-hour operation:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **deny** the conditional use permit to allow 24-hour operation everyday and in lieu thereof **approve** a conditional use permit to allow the facility to be open from 5:00 a.m. until 12:00 a.m. (midnight) everyday for property located at 601 5th Street North and 508 6th Avenue North subject to the following condition:

1) 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.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the stacking variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum required number of stacking spaces from 13 to 11 for property located at 601 5th Street North and 508 6th Avenue North.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the drive aisle variance:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the variance to reduce the minimum drive aisle variance for property located at 601 5th Street North and 508 6th Avenue North subject to the following condition:

- 1) The median between the southwest parking area and the stacking aisle to the north be reduced by four feet to provide an 18 foot wide one-way drive aisle.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the site plan review:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **approve** the site plan review for property located at 601 5th Street North and 508 6th Avenue North subject to the following conditions:

- 1) Staff review and approve the site plan, lighting plan, landscaping plan, and elevations before permits may be issued.
- 2) All site improvements shall be completed by July 7, 2009, (unless extended by the Zoning Administrator) or permits may be revoked for noncompliance.
- 3) Compliance with the specific development standards for an automobile convenience facility and car wash in Chapter 536 of the zoning code.
- 4) Provision of additional architectural detail on the northwesterly side of the car wash as required by Section 530.120(a) of the zoning code.
- 5) The convenience store windows shall allow views into and out of the building and shall not be blocked by mechanical equipment, shelving, storage of goods or materials, or signage except as otherwise allowed by the zoning code.

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6) The principal entrance facing the intersection of 5th Street North and 6th Avenue North shall be maintained as an operable entrance and exit to the building that is open during business hours.

Attachments:

1. PDR and Calls for Service reports.
2. Statements from the applicant.
3. Letter from the neighborhood group.
4. Zoning map.
5. Site plans, floor plans, and elevations.
6. Photos and aerials.