CPED Planning Division Report

Zoning Amendment (Rezoning), Conditional Use Permit, Change of a Nonconforming Use, Site Plan Review

BZZ – 1699

Date: May 17, 2004

Date Application Deemed Complete: April 19, 2004

End of 60 Day Decision Period: June 18, 2004

Applicant: Pat Mulroy

Address Of Property: 3900-3920 Nicollet Ave. S.

Contact Person And Phone: Pat Mulroy, 823-7257

Planning Staff And Phone: Jason Wittenberg, 673-2297

Ward: 10 **Neighborhood Organization:** Kingfield Neighborhood Association

Existing Zoning: R2B

Proposed Zoning: C4

Zoning Plate Number: 31

Legal Description of Property Proposed for Rezoning: Parcel 1: Lots 1 to 3 Inclusive, Block 1, Van Nests Addition to Minneapolis, according to the plat thereof on file and record in the office of the County Recorder, Hennepin County, Minnesota.

Parcel 2: Lots 4 to 6 Inclusive; Lots 25 to 29 Inclusive: Block 1 Van Nests Addition to Minneapolis, according to the plat thereof on file and record in the office of the County Recorder, Hennepin County, Minnesota.

Project Name: Mulroy's Auto Collision

Proposed Use: Major Automobile Repair Facility

Conditional Use Permit: Required for a major automobile repair in the C4 District as indicated in Table 548-1 of the zoning code.

Change of a Legal Nonconforming Use: The applicant has filed an application for a change of nonconforming use as authorized by section 531.80(b) of the zoning code.

Site Plan Review: Site plan review is required for automobile repair facilities as indicated in Table 530-1 of the zoning code.

Previous Actions: N/A

Concurrent Review: Zoning Amendment (Rezoning), Conditional Use Permit, Change of Nonconforming Use, and Site Plan Review as noted above.

Background: The applicant, who currently operates a major automobile repair facility at 4325 Nicollet Avenue, proposes to move the facility to an existing building located at 3900-3920 Nicollet Avenue. Major automobile repair includes body work and painting. The site is currently occupied by Super Shuttle, a van shuttle service. The existing use is nonconforming in the existing R2B zoning district. The applicant is pursuing both a rezoning and a change of a nonconforming use. If the request to rezone is denied, the proposed use could be allowed through the change of a nonconforming use application. A conditional use permit would not be applicable since automobile repair facilities are not allowed as a conditional use in the residence districts. If the request to rezone is approved, the conditional use permit is needed but the change of nonconforming use application would not be needed. Site plan review is required under either scenario.

Major automobile repair facilities are subject to the following Specific Development Standards from Chapter 536 of the zoning code:

> *Automobile repair, major.*
> (1) All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
> (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
> (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
> (4) The sale of vehicles shall be prohibited.
> (5) 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.
> (6) 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.
> (7) In the I1, Light Industrial District, the use shall be located at least three hundred (300) feet from a residence or office residence district.
> (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

As noted above, the existing taxicab service is nonconforming. Both 3900 and 3920 Nicollet Avenue have been the subject of land use applications in the past. The following is a history of the properties:

- April 7, 1924. The site was zoned Commercial-D in the original Minneapolis Zoning Code.
- July 5, 1956. A building permit was issued to construct the building at 3920 Nicollet Avenue as an office and vehicle maintenance and storage building.
- July 19, 1963. As part of the adoption of a new zoning code, the site was rezoned to B3S-2, a commercial zoning district.
- April 9, 1984. A c.u.p. (C-843) was granted for an auto repair garage, including auto body work, at 3900 Nicollet.
- May 29, 1985. The Board of Adjustment granted a nonconforming use certificate (A-124) to allow an airport limousine service and all other uses permitted in the M1 Light Industrial District at 3920 Nicollet. Airport Express locates the site while property is zoned B3S-2.
- August 12, 1988. Through a 40-acre study, the Minneapolis City Council rezoned the property from B3S-2 to R2B (a single- and two-family district).
- August 28, 1991. The Board of Adjustment upheld the Zoning Administrator's decision on an appeal (A – 242). The decision appears to have been that 3900 Nicollet could not be used for vehicle storage or parking of commercial vehicles but that it could be used as accessory parking of passenger vehicles.
- September 16, 1994. A c.u.p. was granted for "a privately owned cartage and express company" for Airport Express at 3920 Nicollet, apparently complying with a recent ordinance that all existing businesses of this type were required to obtain a c.u.p. Since the use was not allowed as a conditional use in the R2B District, staff believes the c.u.p. was granted in error. However, the business appears to have had nonconforming rights.
- 1999. Building at 3900 demolished.
- 2002. Super Shuttle apparently replaced Airport Express in 2002.

An existing outdoor fuel pump and underground fuel tank would be removed from the site.

The site is surrounded by residential uses except for a religious institution place of assembly, which is located across Nicollet Avenue to the east.

<u>Findings Required By The Minneapolis Zoning Code for the Rezoning Application:</u>

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

The request to rezone the property from a relatively low density residential district to the C4 district, the most permissive commercial zoning district outside of downtown, is not consistent with the applicable policies of the Minneapolis Plan. Nicollet Avenue, from Lake Street to the City boundary, is designated as a Community Corridor. Community Corridors are characterized by the following features.

- Streets connect more than 2 neighborhoods

- Corridors have a land use pattern that is primarily residential with intermittent commercial uses clustered at intersections in a pattern of nodes.
- Streets are generally minor arterials by the City's street classification system, with some exceptions.
- Streets carry a range of traffic volumes, a minimum of 4,000 average annual daily traffic (AADT) up to 15,000 AADT and greater.
- Streets carry a heavy volume of traffic but are not necessarily the principal travel routes for a specific part of the city.
- Corridors do not support automobile oriented shopping centers.
- Corridor land use and building form exhibit traditional commercial and residential form and massing. (See discussion of traditional urban form in Chapter 9.)
- Commercial uses on community corridors are generally small scale retail sales and services serving the immediate neighborhood.

According to the Minneapolis Plan, commercial uses on Community Corridors should be low intensity and must be measured against their impacts on residential character, such as the production of fumes or noise or negative aesthetics. Planning staff has identified the following goals and policies of the Minneapolis Plan as being relevant to the request to rezone the property from R2B to C4.

Relevant policy: **4.2** Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on the streets.

Relevant Implementation Steps:

- Discourage the conversion of existing residential uses to commercial uses, but encourage the development of mixed use residential dwelling units in commercial buildings where appropriate.
- Support the continued presence of small scale retail sales and commercial services along Community Corridors.
- Ensure that commercial uses do not negatively impact nearby residential areas.

Staff comment: The C4 District, which allows relatively high impact commercial uses, is a zoning district that is generally not compatible with a low density residential environment.

Relevant Policy: **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.

Relevant Implementation Steps:

- Provide 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.

Staff comment: The C4 District is not compatible with surrounding uses and zoning districts.

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

The request to rezone the property is motivated solely by the applicant's intent to locate a major automobile repair facility on the site. The rezoning request would not be in the public interest.

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

The immediate area contains a mix of R2B and R1A zoning. There is C2 zoning one block to the north. Adjacent uses include a mix of residential dwellings. The nearest commercial uses include a minor automobile repair facility, a car wash, and a hardware store

The purpose of the C4 District—the proposed zoning district—is indicated in section 548.440 of the zoning code, as follows:

> **548.440. Purpose.** The C4 General Commercial District is established to provide for a wide range of commercial development allowing a mix of retail, business services and limited industrial uses. In addition to these uses, residential uses, institutional and public uses, parking facilities, and public services and utilities are allowed.

The proposed C4 District is not compatible with zoning districts and uses in the general vicinity of the site. Staff is aware of one parcel with C4 zoning on the entire length of Nicollet Avenue. The C4 parcel is located between 60th and 61st Streets, which is nearly three miles from the property in question in this application.

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

There are reasonable uses for the property under the existing R2B district. The applicant also has the opportunity to apply for a change of nonconforming use, which could potentially allow a wide range of commercial uses if it can be shown that the proposed use is less intense than an existing legal nonconforming use on the property.

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

   There has been no land use trend in the general area that would support rezoning to the broadest commercial zoning classification.

Findings Required By The Minneapolis Zoning Code for a Conditional Use Permit for the Major Automobile Repair Facility:

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

   Assuming the project would comply with the Specific Development Standards for major automobile repair facilities, including ensuring that repair-related noise and the venting of the paint booth does not impact adjacent residential properties, the proposed use would not endanger the 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.**

   Major automobile repair facilities have the potential for significant impacts related to noise and odor. The zoning ordinance adopted in 1999 features extensive mitigation measures, particularly through the Specific Development Standards chapter. Assuming compliance with the Specific Development standards as well as implementation of an approved site plan, the use would not significantly deter nearby property owners from investing in development and improvement of their properties.

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

   Utilities and access roads are existing and adequate. The applicant's drainage plan would be reviewed by the Public Works Department.

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

   The site is located on a heavily traveled street. The project would comply with the minimum number of required off-street parking spaces. The number of curb cuts would be reduced compared to the existing site condition.

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

The conditional use permit for a major automobile repair facility is not consistent with the policies of the Minneapolis Plan. Establishment of new major automobile repair facilities of the scale that is proposed and in a location that is not designated as a commercial node, is inconsistent with the intent of Community Corridors. Community Corridors are intended to have small scale retail sales and services uses and are primarily residential in nature.

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, the rezoning request, relevant variances, and site plan review.

If the rezoning is denied, the Planning Commission would have no basis for approving the conditional use permit since the use is not allowed as a conditional use in the existing R2B District. Alternatively, the applicant has filed a change of nonconforming use to allow the use in the district. If a change of nonconforming use is granted, the conditional use permit is not needed.

Findings Required By The Minneapolis Zoning Code for a Change of Nonconforming Use:

The Planning Commission may approve a proposed change in use if the use meets the following standards as specified in section 531.80 of the Zoning Code:

(1) The proposed use is compatible with adjacent property and the neighborhood.

The applicant proposes to take measures that would make the use more compatible with the surrounding neighborhood than the existing use, including closing a curb cut, adding landscaping, and ensuring that the venting does not take place immediately adjacent to the closest residential properties.

(2) The proposed use is less intense than the existing, nonconforming use.

The building is currently occupied by Super Shuttle, a company that offers van shuttle service to and from Minneapolis-St. Paul International Airport within approximately a 25-mile radius. This type of business, if classified as either a taxicab service or a limousine service, is first allowed in the C4 District, the same district where major automobile repair facilities are first allowed.

(a) Hours of operation: The existing van shuttle service operates 24-hours-per-day every day. The applicant proposes automobile repair hours from 8 a.m. to 5 p.m. Monday through Friday.

(b) Signage: The existing use has no exterior identification signs. The applicant has not developed a specific sign proposal but indicates that they would like two four-foot by eight-foot illuminated signs. Staff recommends that the project be limited to signs that would be allowed in

the lowest intensity commercial district—the C1 District—provided that back-lighted signs shall be prohibited.

(c) Traffic generation and safety: The existing use 56 employees and is a business that involves frequent dispatching of 36 vans and two buses. The proposed use would have between 12 and 18 employees and would not be expected to generate as many vehicle trips to and from the site.

(d) Off-street parking and loading: Both uses comply with the minimum required number of off-street parking spaces. The applicant proposes to thoroughly landscape the parking lot consistent with the requirements of Chapter 530. Previous decisions from the Board of Adjustment and zoning staff seem to indicate that 3900 Nicollet cannot be used for storage of vehicles or parking of commercial vehicles.

(e) Nature of business operations: Both businesses have significant off-site impacts and are first allowed in the C4 District. The existing business involves the dispatching of vehicles on 24-hour basis as well as repair of vehicles. The proposed use involves the potential for odor and noise associated with major automobile body work.

(f) Number of employees: The existing business has 56 employees, including 12 who work in the office on the site. The applicant's business would have between 12 and 18 employees.

(g) Building Bulk: The existing building is one story and has between 19,000 and 20,000 square feet of floor area. The building's floor area would not change under the existing proposal.

(h) Aesthetic impacts on surrounding property: Both uses are transportation related and can have significant negative impacts related to storage of vehicles.

(i) Noise, odor, heat, glare and vibration: The existing business includes repair of Super Shuttle vehicles. The applicant's business is primarily auto body work that typically produces off-site impacts that include noise and odor.

(j) Other: Relevant impacts are noted above.

<u>Required Findings for Major Site Plan Review</u>

A. The site plan conforms to all applicable standards of Chapter 530, Site Plan Review. (See Section A Below for Evaluation.)

B. The site plan conforms to all applicable regulations of the zoning ordinance and is consistent with applicable policies of the comprehensive plan. (See Section B Below for Evaluation.)

C. The site plan is consistent with applicable development plans or development objectives adopted by the city council. (See Section C Below for Evaluation.)

<u>Section A: Conformance with Chapter 530 of Zoning Code</u>

BUILDING PLACEMENT AND FAÇADE:

- **Placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, and facilitate pedestrian access and circulation.**
- **First floor of the building shall be located not more than eight (8) feet from the front lot line (except in C3S District or where a greater yard is required by the zoning ordinance). If located on corner lot, the building wall abutting each street shall be subject to this requirement.**
- **The area between the building and the lot line shall include amenities.**
- **The building shall be oriented so that at least one (1) principal entrance faces the public street.**
- **Except in the C3S District, on-site accessory parking facilities shall be located to the rear or interior of the site, within the principal building served, or entirely below grade.**
- **For new construction, the building façade shall provide architectural detail and shall contain windows at the ground level or first floor.**
- **In larger buildings, architectural elements shall be emphasized.**
- **The exterior materials and appearance of the rear and side walls of any building shall be similar to and compatible with the front of the building.**
- **The use of plain face concrete block as an exterior material shall be prohibited where visible from a public street or a residence or office residence district.**
- **Entrances and windows:**
    - **Residential uses shall be subject to section 530.110 (b) (1).**
    - **Nonresidential uses shall be subject to section 530.110 (b) (2).**
- **Parking Garages: The exterior design shall ensure that sloped floors do not dominate the appearance of the façade and that vehicles are screened from view. At least thirty (30) percent of the first floor façade that faces a public street or sidewalk shall be occupied by commercial uses, or shall be designed with architectural detail or windows, including display windows, that create visual interest.**

Conformance with above requirements:

The building is existing and contributes to a traditional street wall along Nicollet Avenue.

The building is constructed up to the front lot line along Nicollet Avenue and is 12 feet from the front lot line along Van Nest. The building is legally nonconforming as to the required yards in the R2B District.

In terms of creating amenities between the building and the public sidewalk, the applicant should revise the plan to include amenities between the building and the public sidewalk along Nicollet Avenue. There is landscaping between the building and the front lot line along Van Nest.

The building would continue to have a principal entrance facing Nicollet Avenue and an accessible ramp would be added.

Accessory parking would remain located to the side of the building.

The existing building is and will remain brick facing both Nicollet and Van Nest and is painted concrete block facing the north and south.

The principal entrance is recessed and its location is clearly visible and may be further emphasized with signage. The applicant should also consider applying for an encroachment permit to allow an awning above the entrance for further emphasis.

The window area in the building is existing and would not be reduced.

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

Conformance with above requirements:

A walkway would connect the public sidewalk to the office and customer entrance facing Nicollet Avenue. An accessible ramp would be added. The location of this ramp should be revised to reduce the conflict with the vehicle egress point from the building. The proposed situation would place the end of the ramp at a location at the edge of the vehicle egress door and in a blind spot that would not allow sufficient visibility to see a person coming down the ramp. The parking lot, as proposed, does not include walkways connecting the parking spaces to the customer entrance. Staff recommends that the applicant include a walkway of at least four feet in width adjacent to the north side of the building and along the east side of the parking lot. The applicant's proposed drive aisle is wider than necessary, which would allow for installation of a walkway as called for by Chapter 530 of the zoning code.

The applicant is not proposing a transit shelter on the site.

The number of curb cuts serving the site from adjacent streets would be reduced from five to four, reducing pedestrian-vehicle conflicts somewhat.

There are no public alleys adjacent to the site.

The applicant proposes to store snow at the northeast end of the site and large amounts of snow would be removed from the site.

The applicant's site plan minimizes impervious surfaces to the extent practical while allowing for required walkways recommended by staff and adequate vehicle maneuvering areas.

LANDSCAPING AND SCREENING:

- **The composition and location of landscaped areas shall complement the scale of the development and its surroundings.**
    - **Not less than twenty (20) percent of the site not occupied by buildings shall be landscaped as specified in section 530.150 (a).**
- **Where a landscaped yard is required, such requirement shall be landscaped as specified in section 530.150 (b).**
- **Required screening shall be six (6) feet in height, unless otherwise specified, except in required front yards where such screening shall be three (3) feet in height.**
- **Required screening shall be at least ninety-five (95) percent opaque throughout the year. Screening shall be satisfied by one or a combination of the following:**
    - **A decorative fence.**
    - **A masonry wall.**
    - **A hedge.**
- **Parking and loading facilities located along a public street, public sidewalk or public pathway shall comply with section 530.160 (b).**
- **Parking and loading facilities abutting a residence or office residence district or abutting a permitted or conditional residential use shall comply with section 530.160 (c).**
- **The corners of parking lots shall be landscaped as specified for a required landscaped yard. Such spaces may include architectural features such as benches, kiosks, or bicycle parking.**
- **Parking lots containing more than two hundred (200) parking spaces: an additional landscaped area not less than one hundred-fifty (150) square feet shall be provided for each twenty-five (25) parking spaces or fraction thereof, and shall be landscaped as specified for a required landscaped yard.**
- **All parking lots and driveways shall be defined by a six (6) inch by six (6) inch continuous concrete curb positioned two (2) feet from the boundary of the parking lot, except where the parking lot perimeter is designed to provide on-site retention and filtration of stormwater. In such case the use of wheel stops or discontinuous curbing is permissible. The two (2) feet between the face of the curb and any parking lot boundary shall not be landscaped with plant material, but instead shall be covered with mulch or rock, or be paved.**
- **All other areas not governed by sections 530.150, 530.160 and 530.170 and not occupied by buildings, parking and loading facilities or driveways, shall be covered with turf grass, native grasses or other perennial flowering plants, vines, mulch, shrubs or trees.**
- **Installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.220.**

- **The city planning commission may approve the substitution or reduction of landscaped plant materia**ls, **landscaped area or other landscaping or screening standards, subject to section 530.60, as provided in section 530.230.**

Conformance with above requirements:

The lot has approximately 39,370 square feet of area. The building covers approximately 19,908 square feet, leaving a net site area of 19,462 square feet. At least 20 percent of the net site area, or 3,893 square feet, must be landscaped as required by Chapter 530. The applicant's preliminary landscape plan, according to the applicant's calculation, includes approximately 5,130 square feet landscaping, or approximately 26 percent of the net site area. Based on the net site area, no fewer than four canopy trees and 20 shrubs are required on the site provided that the applicant shall also comply with the required number of trees and shrubs in required landscaped yards specified in section 530.150 (b) of the zoning code and that one canopy tree shall be planted along the perimeter of the parking/maneuvering at a rate of one tree for every 25 linear feet of frontage. The preliminary landscape plan does not include one tree for every 25 feet of frontage and landscaping should be added between the building and Nicollet Avenue (with an encroachment permit). The applicant also proposes a wrought iron-style fence along the street frontages. Note that the height of this fence should not exceed four feet (rather than the six feet shown on the plan.)

Landscaped yards not less than five feet in width, and screening are required between the parking/maneuvering area and the public sidewalks and between the parking/maneuvering area and the adjacent residential uses. The proposed landscape yards are 10 feet in width or more in some locations. The applicant proposes a wood screening fence along the adjacent residential use to the north. Note that the residential property to the north (3901 Van Nest Ave.) includes a fenced yard and improvements that encroach onto the applicant's property.

The applicant proposes concrete curbing around the parking/maneuvering area lot. However, due to the generous width of the landscaped areas, some of the stormwater could be accommodated on the site by avoiding curbing in some locations or installing discontinuous curbing. Further, the applicant is encouraged to have the site thoroughly swept at least two times per year to improve the quality of the stormwater emanating from the site.

All areas not covered by parking, vehicle maneuvering, walkways or plazas would be landscaped or covered with turf.

Landscaping must be properly installed and maintained.

ADDITIONAL STANDARDS:

- **Lighting shall comply with the requirements of Chapter 535 and Chapter 541. A lighting diagram may be required.**
- **Parking and loading facilities and all other areas upon which vehicles may be located shall be screened to avoid headlights shining onto residential properties.**
- **Site plans shall minimize the blocking of views of important elements of the city.**
- **Buildings shall be located and arranged to minimize shadowing on public spaces and adjacent properties.**

- **Buildings shall be located and arranged to minimize the generation of wind currents at ground level.**
- **Site plans shall include crime prevention design elements as specified in section 530.260.**
- **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.**

Conformance with above requirements:

Lighting must comply with Chapter 535 of the zoning code, noted below. The parking lot must be adequately lighted.

> **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 arranged so as not to 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 source.
> (2) Lighting fixtures shall not exceed two thousand (2,000) lumens (equivalent to a one hundred fifty (150) watt incandescent bulb) unless of a cutoff type that shields the light source from an observer at the closest property line of any permitted or conditional residential use.
> (3) 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 to a person of normal sensitivities when viewed from any permitted or conditional residential use.
> (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.

The effects of headlight glare on residential properties could be largely minimized by ensuring that most vehicles exit the building along Nicollet Avenue. By eliminating a curb cut along Van Nest and installing landscaping, the applicant will be reducing the headlight glare on residences to the west

Views of significant buildings or natural features would not be blocked.

Shadowing of the adjacent properties would not be significant.

Wind currents would not be a major concern.

From a crime prevention standpoint, the applicant intends to install decorative fencing. The applicant suggests that the lighting existing on poles in the right of way sheds significant light on the site.

The site does not include historically designated structures and is not located within a designated historic district.

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

ZONING CODE: The applicant proposes to rezone the site from the R2B District to the C4 District and has filed a conditional use permit to allow a major automobile repair facility. In the event that the rezoning and conditional use permit are not approved, the applicant has filed a change of nonconforming use application. Site plan review is required under either scenario.

Parking and Loading: Auto repair facilities are required to provide one parking space per 300 square feet of gross floor area excluding service bays plus two spaces per service bay. The applicant is showing 5,460 square feet of office space and seven existing service bays plus two future service bays. This requires 18 spaces for the office space and 18 spaces for the service bays for a total of 36 off-street parking spaces.

Signs: While not proposing specific signs at this time, the applicant has indicated an intent to install two four-foot by eight-foot illuminated signs. Staff recommends that the project be limited to signs that would be allowed in the lowest intensity commercial district—the C1 District—provided that back-lighted signs shall be prohibited.

Yard Requirements: The use is legally nonconforming as the required yards but must comply with landscaped yards required by Chapter 530.

Specific Development Standards: Automobile repair facilities are subject to Specific Development Standards in section 536.20 of the zoning code. The development standards are listed in the background section of this report.

Hours of Operation: The existing taxicab operates 24-hours-per-day. To ensure that the use is more compatible than the existing nonconforming use, staff recommends that the project shall be limited to the hours open to the public that are allowed in the C1 District. Those hours are
Sunday through Thursday, from 6:00 a.m. to 10:00 p.m.
Friday and Saturday, from 6:00 a.m. to 11:00 p.m.

Dumpster screening: Refuse storage would take place within the building. Any outdoor refuse storage would require additional screening.

MINNEAPOLIS PLAN: In addition to the policies noted above in the rezoning and conditional use permit analysis above, the staff has identified the following provisions of the comprehensive plan that are specifically relevant to the site plan review application:

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

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

Staff comment: The site is a corner property. Thus, the standards of site plan review (below) are particularly important, as expressed in the above policy.

Relevant Policy: **9.12.** Minneapolis will promote design solutions for automobile parking facilities that reflect principles of traditional urban form.

Relevant Implementation Steps:

- Require the landscaping of parking lots.
- Encourage parking strategies that reduce the need for parking in order to avoid spillover into neighboring residential areas, including residential parking permits and the joint use of available parking in mixed use areas.
- Locate parking lots behind buildings or in the interior of the block to reduce the visual impact of the automobile in mixed use areas.

Staff comment: An exemplary landscaping and screening plan is particularly important given the high visibility of the project's parking facility.

Relevant Policy: **9.15**. Minneapolis will protect residential areas from the negative impact of non-residential uses by providing appropriate transitions between different land uses.

Relevant Implementation Steps:

- Provide appropriate physical transition and separation using green space, setbacks or orientation between residential and non-residential uses.
- Require screening and buffering for new developments next to residential areas.
- Use the site plan review process to ensure that lighting and signage associated with non-residential uses do not create negative impacts for residentially zoned property.

Staff comment: A substantial amount of landscaping and screening would be added to the site, increasing the compatibility with the surrounding area.

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

A plan entitled, *Nicollet Avenue: The Revitalization of Minneapolis' Main Street* was adopted by the City Council on April 7, 2000. Policy 7.8 of this plan states:

- "Encourage the long-term redevelopment of the auto-oriented businesses at the 39th and 40th Street nodes as residential to capitalize on the neighboring park and quality residential environment.
- "Improve the urban tree canopy in the segment from 33rd to 40th Streets, and on the 3500 block in particular."

Encouraging redevelopment of the site is not necessarily relevant to the site plan review application. Staff will ensure that the applicant's final landscaping plan includes one tree for every 25 linear feet of street frontage.

Alternative Compliance. The Planning Commission may approve alternatives to any major site plan review requirement upon finding any of the following:

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**

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

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

MINNEAPOLIS CPED PLANNING DIVISION RECOMMENDATIONS:

Recommendation of the CPED Planning Division for the Zoning Amendment (Rezoning) Application:

The CPED Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application to rezone the properties at 3900 & 3920 Nicollet Avenue South from the R2B District and to the C4 District.

Recommendation of the CPED Planning Division for the Conditional Use Permit for a Major Automobile Repair Facility:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit to allow a major automobile repair facility at 3900 & 3920 Nicollet Avenue South.

Recommendation of the CPED Planning Division for the Change of Nonconforming Use Application:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a change of a nonconforming use from a taxicab service to a major automobile repair facility at 3900 & 3920 Nicollet Avenue South, subject to the following conditions:

1. The use shall comply with the Specific Development Standards for major automobile repair as required by Chapter 536 of the zoning code.
2. The property at 3900 Nicollet Avenue (Lots 1 to 3, Block 1) shall not be used for vehicle storage or parking of commercial vehicles but may be used as customer and employee parking for the business located at 3920 Nicollet Avenue.
3. The applicant may install signs consistent with the regulations of a C1 District provided that back-lighted signs shall be prohibited and no illuminated sign shall be located within twenty (20) feet of an adjacent property.
4. The hours open to the public shall not exceed the hours allowed in the C1 District.
5. Venting of odors, gas and/or fumes shall take place not less than 40 feet from the nearest property having a residential use.

Recommendation of the CPED Planning Division for the Site Plan Review Application:

The CPED Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application for a major automobile repair facility in an existing building located at 3900 & 3920 Nicollet Avenue South, subject to the following conditions:

1. Walkway of at least four (4) feet in width shall run the length of the north side of the building and the length of the east side of the parking lot, connecting the parking lot to the public sidewalk and customer entrance along Nicollet Avenue.
2. One canopy tree shall be planted for every twenty five (25) linear feet of parking/maneuvering frontage along the public streets.
3. Wrought iron style fencing at the perimeter of the site shall not exceed four (4) feet in height.
4. A portion of the site's stormwater shall be directed to landscaped areas to allow on-site filtration.
5. The Planning Department shall review and approve the final site plan, landscape plan, and elevations of all fences.
6. If improvements required by Site Plan Review exceed two thousand (2000) dollars, the applicant shall submit a performance bond in the amount of 125 percent of the estimated site improvement costs prior to obtaining a building permit for exterior improvements.

7. Site improvements required by Chapter 530 or by the City Planning Commission shall be completed by June 18, 2005, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.

Attachments:

- Written statements from the applicant
- Letters to neighborhood group and council member
- Neighborhood action and letters from area residents and property owners
- City attorney verification of validity of rezoning signatures (2/3 consent within 100 feet of the property.)
- History of the site
- Past land use applications
- Aerial photograph
- Land survey
- Zoning map
- Site, landscape, and floor plan
- Photographs