

**Department of Community Planning and Economic Development - Planning Division**  
Change of a Nonconforming Use and Site Plan Review  
BZZ-5535

**Date:** June 11, 2012

**Applicant:** Fridley Properties LLC

**Address of Property:** 1401 Marshall Street Northeast

**Project Name:** Tires for Less

**Contact Person and Phone:** Nemat Janetkhan (952) 451-3053

**Planning Staff and Phone:** Aaron Hanauer (612) 673-2494

**Date Application Deemed Complete:** May 14, 2012

**End of 60 Day Decision Period:** July 13, 2012

**Ward:** 3      **Neighborhood Organization:** Sheridan Neighborhood Organization

**Existing Zoning:** R3/Multiple Family District and MR/Mississippi River Critical Area Overlay District

**Proposed Zoning:** Not applicable for this application.

**Zoning Plate Number:** 9

**Legal Description:** Not applicable for this application

**Proposed Use:** Minor automobile repair facility and tire sales/tire warehouse facility.

**Concurrent Review:**

- Change of nonconforming use application from a warehouse facility to a minor automobile repair and warehouse facility
- Site plan review

**Applicable Code Provisions:** Chapter 531, Nonconforming Uses and Structures; Chapter 530 Site Plan Review.

**Background:** The applicant, who has a purchase agreement for the property at 1401 Marshall Street Northeast, is requesting a change of nonconforming use to allow the building to be converted from its current use as a warehouse facility to a minor automobile repair and warehouse facility. The parcel would be a new location for Tires for Less. Tires for Less specializes in the retail and wholesale of passenger and light truck tires and wheels.

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BZZ-5469

The subject property is 48,385 square feet; the building on the site is approximately 29,674 square feet. Today, the building resembles the appearance of the 1980 construction when a 112'x170'x16' addition was completed to an existing machine shop; the two story portion that fronts 14<sup>th</sup> Avenue Northeast was built in 1907. The building is built out to the property lines along 14<sup>th</sup> Avenue Northeast and Marshall Street Northeast. The property currently contains four curb cuts; three of the curb cuts provide vehicle access to loading doors, the northern curb cut provides access to the parking facility at the back of the lot.

The subject building primarily has a concrete block exterior; the extant 1907 building is masonry. Window openings and types vary on the elevations. The 14<sup>th</sup> Avenue Northeast façade primarily has window openings that have had glass block installed. The window openings along Marshall Street are evenly distributed, but some openings have had wood panels installed in replace of or over windows to reduce visibility. The north and east elevations are void of window openings.

The applicant states that they propose to enhance the overall look of the building and complete building repairs. Specifically, the applicant proposes to paint the building, complete new landscaping, and install new lighting.

G&K Services, the owner of the property, is currently operating a warehouse facility at this property. They have owned the property since 1988. Up until 2008, G&K Services also operated a fleet maintenance facility at this location.

The property's first zoning classification was light industrial in the 1924 Zoning Ordinance. In 1963, the property was rezoned to R3. In 1980 the zoning changed to M1-1 to allow the Formac Corporation to build an addition to an existing machine shop. This proposal and application merged five lots into one lot (1401 Marshall Street). In 1988, the year G&K Services purchased the property, the zoning changed from M1-1 light industrial to R3 as part of the Sheridan 40 Acre Zoning Study. At that time, any commercial or industrial uses at the site became non-conforming.

The property is currently zoned R3. The future land use map shows that the subject property would continue to be residential as well as neighboring properties to the west.

As of the writing of this report, staff has received one letter opposing the project. Any additional comments received from interested parties will be forwarded to the Planning Commission.

**Findings As Required By The Minneapolis Zoning Code (change of nonconforming use from a warehouse to a minor automobile repair facility and tire sales/tire warehouse facility):**

**The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:**

**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 site is bordered by low density residential to the east and a multifamily building to the northwest and north. An office for Worrell Design is located on the west side of Marshall Street Northeast. Artist studios and a restaurant are also located nearby. While a minor automobile repair use may not usually be compatible nearby low-density residential uses, the proposal will activate the large building and site and include substantial improvements to the property. In addition, all tire and wheel work will be done within an entirely enclosed building, and as recommended by CPED, all loading and unloading, as well as refuse storage will take place within the building.

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

**(a) Hours of operation:** According to the applicant, G&K Services was not open to the public. G&K Services operated a full maintenance garage for fleet mechanics and storage depot from 9:00 am until 6:00 pm, Monday through Friday. The proposed hours of operation for the minor automobile repair facility and tire sales/tire warehouse facility would be from 9:00 am to 6:30 pm, Monday through Friday, and 9:00 am to 5:00 pm on Saturday. The permitted hours of operation in the R3 district are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The hours proposed are within the parameters allowed for the R3 district.

**(b) Signage:** The building and current use do not have signage. The applicant did not submit a sign plan for the new use; however, they state that they will comply with the city regulations for signs if the use is permitted. Section 543.250 of the Minneapolis Zoning Code states that nonconforming, nonresidential uses in residential districts are allowed two signs that do not exceed 16 square feet in area and are no greater than 14 feet in height on corner lots.

**(c) Traffic generation and safety:** Neither the G&K maintenance garage for fleet mechanics nor the warehouse were uses open to the public. However, large commercial trucks accessed the site. Since 2008, the site has only been utilized as a warehouse. Since the site has been reduced in use to a warehouse, the applicant estimates that there are between one or two vehicles that access the building per day. When the facility was used as a maintenance garage and storage depot, the applicant estimates that there were 10-15 vehicles accessing the site per day. Tires for Less anticipates serving 20-50 customers and having 3-5 delivery trucks per day.

**(d) Off-street parking and loading:** As a warehouse facility, the parking requirement for G&K Services is 10 spaces. The minor automobile repair facility and tire sales/tire warehouse facility would require a minimum of 16 parking spaces; 11 off-street parking spaces for the tire sales facility and 5 parking spaces for the warehouse facility. The applicant is proposing to provide 18 exterior parking spaces. In addition, the applicant is providing parking for approximately 17 vehicles inside the building.

The existing use is a warehouse. The proposed use would maintain having a warehouse and add a minor automobile repair facility. The assigned rating for loading for minor automobile repair facility is medium and the assigned rating for a warehouse is high.

The minor automobile repair facility does not require a loading space; however, the warehouse requires one large loading space. The Applicant proposes to use the existing loading docks along Marshall Street for the loading and the unloading of tires to the warehouse. They state that they would have three to five delivery trucks a day; the delivery trucks would be cargo vans and box cars. CPED is recommending that all loading and unloading take place within the building in order to reduce the intensity of the use.

**(e) Nature of business operations:** Up until 2008, G&K Services used the property as a maintenance garage for fleet mechanics and a warehouse. In 2008, the facility was reduced to being a warehouse facility only. Tires for Less proposes two uses: a retail location to install tires and wheels (2,166 square feet of gross floor area of office and showroom space and 3 service bays), which falls under the definition of minor auto repair. They are also proposing a 13,102 square foot warehouse facility.

**(f) Number of employees:** According to the applicant, G&K Services had 10-15 employees at this location. Tires for Less is proposing to have 12-20 employees at this location.

**(g) Building Bulk:** No changes are proposed that would alter the building's bulk and massing.

**(h) Aesthetic impacts on surrounding property:** Per 530.30, since the property is proposed to become a minor auto repair facility, it is required to have an approved site plan. The applicant is proposing to make substantial improvements to the lot including screening and landscaping improvements around the parking area and striping of the parking lot. In addition, CPED is recommending the elimination of three curb cuts (both along 14<sup>th</sup> Avenue Northeast and the loading dock curb cut along Marshall Street Northeast), the reinstallation of the boulevards, the reopening of previously enclosed window openings along Marshall Street Northeast, improving the appearance of window openings along 14<sup>th</sup> Avenue Northeast, replacing a broken chain link fence, and painting the building a consistent color(s).

**(i) Noise, odor, heat, glare and vibration:** The previous fleet maintenance use likely had air compressors, vehicle lifts and tire machines. The proposed minor automobile repair facility and tire sales/tire warehouse facility would use similar equipment. Per the specific development standards outlined in 536.20, all repairs shall be performed within a completely enclosed building.

It is realized that the proposed use of a minor automobile repair facility and tire sales/tire warehouse facility will have more activity than the previous warehouse; however, based on the above analysis and recommended conditions of approval, the proposal should not be more intense than the previous use.

## **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.**
- **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.
- g. In multiple tenant buildings, each individual ground level tenant space that faces a public street, public sidewalk, public pathway, or on-site parking lot shall comply with the minimum window requirements of this section.

Minimum window area shall be measured as indicated in section 530.120 of the zoning code.

- **Ground floor active functions:**

Except for industrial uses in Table 550-1, Principal Industrial Uses in the Industrial Districts, the first floor or ground level of buildings shall be designed to accommodate active functions by ensuring that parking, loading, storage, or mechanical equipment rooms are limited to no more than thirty (30) percent of the linear building frontage along each wall facing a public street, public sidewalk, or public pathway.

- 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. In addition to compliance with minimum window requirements, principal and accessory parking garages shall comply with provisions requiring active functions on the ground floor. In the downtown districts, the more restrictive parking garage provisions of Chapter 549, Downtown Districts, shall apply.

***Conformance with above requirements:***

***Reinforcement of Street:*** The existing structure is located at the corner of Marshall Street Northeast and 14<sup>th</sup> Avenue Northeast. With the exception of the loading dock along Marshall Street, the existing building reinforces the street wall along the Marshall Street and 14<sup>th</sup> Avenue Northeast. A driveway that provides access to the building and rear of the lot is located on the north side of the property.

***Entrances:*** The structure, as it currently exists, has one principal pedestrian entrance located along Marshall Street Northeast. The entrance does not appear to be accessible nor is it easily discernible. Staff is recommending that the Marshall Avenue entrance be accessible and be clearly identifiable with the use of architectural features or lighting that expresses the importance of the entrance. The 14<sup>th</sup> Avenue Northeast elevation contains two secondary pedestrian entrances.

***Parking:*** The proposed minor automobile repair facility and tire sales/tire warehouse facility has a minimum parking requirement of 16 spaces and a maximum parking requirement of 26 spaces. The applicant is proposing approximately 18 parking spaces outside of the building, which meets the parking requirement. These spaces are located to the rear and interior of the site. In addition, the applicant is proposing an additional 17 parking spaces inside the building.

***Windows:*** The elevations have a variety of window conditions. Along 14<sup>th</sup> Avenue Northeast window openings have had glass block installed. Most of the window openings along Marshall Street Northeast are clear glass, however, they are tinted and some appear to have had wood panels installed to reduce visibility. The north and east elevations are void of window openings. The Applicant is not proposing window changes. However, CPED is recommending modifications to the existing openings to improve the safety of the area and appearance of the building. CPED is recommending that the window openings along 14<sup>th</sup> Avenue be replaced with transparent windows; a tinted film can be applied to reduce visibility of the warehouse facility. In addition, CPED is recommending that the window openings along Marshall Avenue be opened up and a clear, non-reflective glazing be installed.

***Building:*** A majority of the building dates to 1980, when a 112'x170'x16' concrete block addition was completed to an existing machine shop. The 1980 construction surrounds a two-story brick building that is visible on 14<sup>th</sup> Avenue Northeast. With the exception of the 1907 brick building that was surrounded by the 1980 addition, the rest of the building is concrete block. The concrete block appears to have been painted; however, it has been years since this was done. Given that the building is existing, planning staff recommends that the applicant repaint the entire building to tie it together and improve the appearance.

The existing roof is flat. The proposed roof line appears to be visually consistent with other structures in the area.

With the proposed improvements, including new fenestration, the structure would substantially improve the natural surveillance along Marshall Street and 14th Avenue Northeast.

**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.**

*Conformance with above requirements:*

As proposed the main pedestrian entrance for the building would be located on Marshall Street Northeast and connected to the public sidewalk.

The site currently has four curb cuts; two along Marshall Street Northeast and two along 14<sup>th</sup> Avenue Northeast. The Applicant is proposing to retain all four curb cuts and to use the loading dock along Marshall Street Northeast as their main loading and unloading area. The Minneapolis Zoning Code (530.150) encourages the reduction of curb cuts in order to minimize conflict with pedestrians and surrounding residential uses. Planning staff recommends that the Marshall Street Northeast curb cut leading to the loading dock be eliminated and a boulevard reinstalled. Planning staff also recommends that the curb cuts along 14<sup>th</sup> Avenue Northeast be eliminated and the boulevard reinstalled. If the three curb cuts are eliminated, it will minimize conflict with pedestrians and reduce the impact the retail and warehouse use would have on the surrounding residential area.

There are no transit shelters within the proposed development; however there is a bus stop (Route 32) along Marshall Street Northeast closer to 16<sup>th</sup> Street Northeast.

The site plan as proposed will minimize the use of impervious surfaces. The property contains 16,561 square feet of non-building lot area. The applicant is proposing to add 3,369 square feet of landscaped area, which is approximately 20 percent of the site, and meets the minimum requirement (see landscaping and screening section below for more details).

**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.**

*Conformance with above requirements:*

The composition and location of landscaped areas will complement the scale of the development and its surroundings. The property will meet the 20 percent landscaping requirement. The site has 16,561 square feet of non-building lot area. As proposed, the site would have 3,369 square feet of landscaped area (20.3%).

The Zoning Code requires at least one canopy tree for each 500 square feet and at least one shrub for each 100 square feet of required green space provided on the site. The tree and shrub requirement for this site is 7 trees and 34 shrubs. The applicant shows 8 deciduous canopy trees on the property; three trees along the north property line and five trees along the eastern property line. The tree proposal meets the number and spacing requirements. The applicant also proposes 99 shrubs (existing and proposed). As conditioned, the landscaped buffers that do not include shrubs shall be covered with turf grass. The installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.

A seven foot landscaped yard and screening three feet in height and equal to 60 percent opacity is required when a parking or loading facility is fronting along a public street, public sidewalk or public pathway. The applicant is proposing to have a landscaped yard adjacent to Marshall Street but is not proposing any screening in this area. CPED recommends that the applicant meet the front yard screening requirements by installing a hedge that meets the zoning code requirements for front yards and the 60 percent opacity requirement.

Per 530.170 (c) (1), the applicant is proposing to have a seven foot buffer along the north and east property lines with the exception of a 100 linear foot area on the eastern side of the property to allow for a parking spot and a 15-foot wide drive isle. CPED is recommending alternative compliance along the northeastern property line to provide ample room for the drive isle. CPED is recommending that the northeastern most parking spot be a landscaped area in order to continue the landscaped buffer between the residential property as far as possible without impeding maneuvering within the site. With this alternative compliance proposal, the portion of the lot not meeting the seven-foot wide buffer would be reduced from 100 feet to 80 feet.

The Minneapolis Zoning Code requires screening along the northern and eastern property lines that is six feet in height and at least 95 percent opaque throughout the year. The applicant is not proposing screening along these property lines. CPED-Planning recommends that the existing chain link fence be replaced with a vinyl coated chain link fence. The current chain-link fence that lines the property along the north and east property lines is in a state of disrepair. Although chain link fences are not often encouraged, CPED believes that this open fence at the rear of the property with three-foot high landscaping that meets the 95 percent opacity requirement outlined in 530.170 of the zoning code will improve the appearance over existing conditions, and help further define the boundary between the proposed uses and the residential property.

#### **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.**

***Conformance with above requirements:***

Given that the site is over an acre in size, the City of Minneapolis will require preliminary development review (PDR) and an approved stormwater management plan.

As conditioned, the parking lot will be designed with wheel stops for the parking spaces.

There are no proposed additions to the building. The building does not impede any views of important elements of the city.

There are no proposed changes to the building. The building does not significantly shadow the adjacent streets or properties.

Wind currents should not be a major concern.

Per section 530.260 (Crime Prevention through Environmental Design), CPED is recommending that the tall shrubs in front of the Marshall Street windows (northwestern portion of the building) be reduced to three feet in height or removed and shorter shrubs or plantings be installed to allow for natural surveillance and visibility. To improve the safety of the area CPED is also recommending that the existing window openings along Marshall Street be reopened and that the glass block windows along the 14<sup>th</sup> Avenue Northeast elevation be replaced with transparent windows. In addition, CPED is recommending that the applicant provide uniform lighting that is in compliance with 535.90, and that the entrance along Marshall Street Northeast be designed in a manner that is clearly identifiable with the use of architectural features or lighting that expresses the importance of the entrance.

The existing structures are neither historic nor eligible for historic designation.

**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** – The site is zoned R3 Multiple Family District. The proposed minor automobile repair facility and tire sales/tire warehouse facility requires a change of nonconforming use to operate in this zoning district.

**Parking and Loading:**

*Minimum automobile parking requirement:* The proposed use will meet the minimum automobile parking requirement. The proposed use requires a total of 16 parking spaces. The applicant is proposing 18 exterior parking spaces (see Table 1 below).

*Maximum automobile parking requirement:* The proposed use will not exceed the maximum automobile parking requirement of 26 spaces (see Table 1 below)

**Table 1: Parking Requirement and Proposed Parking**

City Requirements		
	Minimum	Maximum
Warehouse 13,102 square feet	5 1 space per 500 sq. ft. of GFA of office, sales, or display area in excess of 4,000 sq. ft. (minimum of 4 spaces) + 1 space per 3,000 sq. ft. of GFA of warehousing up to 30,000 sq. ft.	9 1 space per 200 sq. ft. of GFA of office, sales, or display area + 1 space per 1,500 sq. ft. of GFA of warehousing up to 30,000 sq. ft.
Minor Auto Repair Facility 2,166 GFA of office and showroom space and 3 service bays	11 1 space per 500 sq. ft. of GFA excluding service bays + 2 spaces per service bay	17 1 space per 200 sq. ft. of GFA + 2 spaces per service bay
<b>Total city requirements</b>	<b>16</b>	<b>26</b>
<b>Total stalls provided</b>	<b>18*</b>	

\*Note: The applicant is also proposing to provide an additional 17 parking spaces inside the building.

*Bicycle parking requirement:* The proposed minor automobile repair facility and warehouse facility do not require bicycle parking.

*Loading:* The assigned rating for minor automobile repair facility is medium and the assigned rating for a warehouse is high. The previous warehouse use also had an assigned high rating. CPED is recommending that all loading and unloading happen within the building.

**Dumpster screening:** The Applicant does not show a location for refuse. The Minneapolis Zoning Code requires refuse and recycling storage containers to be enclosed on all four 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. CPED is recommending that all refuse be located within the building to reduce the intensity of the use and to be more compatible with the adjacent residential uses.

**Signs:** No signs are proposed at this time. Section 543.250 of the Minneapolis Zoning Code states that nonconforming, nonresidential uses in residential districts are allowed two signs that do not exceed 16 square feet in area and are no greater than 14 feet in height on corner lots. All signage is required to meet the requirements of the zoning code as stated in Chapter 543. A separate permit will need to be attained through the Zoning Office when signage is requested for the subject site.

**Lighting:** All lighting will need to be downcast and shielded to avoid undue glare. All lighting shall comply with Chapters 535 and 541 of the zoning code and CPED shall review the details of the fixtures in the final review prior to permit issuance.

**Maximum Floor Area:** No changes are proposed to the size of the building.

**Minimum Lot Area:** No changes are proposed to the size of the lot.

**Dwelling Units per Acre:** Not applicable for this development.

**Height:** No changes are proposed to the height of the building.

**Hours of Operation:** The proposed hours of operation for the minor automobile repair facility and tire sales/tire warehouse facility would be from 9:00 am to 6:30 pm, Monday through Friday, and 9:00 am to 5:00 pm on Saturday. The permitted hours of operation in the R3 district are 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The hours proposed are within the parameters allowed for the R3 district.

**Specific Development Standards:** Minor automobile repair facilities are subject to the following specific development standards in Chapter 536 of the zoning code:

*Automobile repair, minor*

1. All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
2. 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. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
4. The sale of vehicles shall be prohibited.
5. In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
6. The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
7. The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.
8. Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

**Yard Requirements:** No changes are proposed to the building setbacks.

**Building coverage:** No changes are proposed to the size of the building.

**Impervious surface area:** The property contains 16,561 square feet of non-building lot area. The applicant is proposing to add 3,369 square feet of landscaped area, which is approximately 20 percent

of the site, and meets the minimum requirement (see landscaping and screening section above for more details).

### **MINNEAPOLIS PLAN**

According to *The Minneapolis Plan for Sustainable Growth*, the subject property is designated as an Urban Neighborhood and is located along a Community Corridor. An urban neighborhood is predominately a residential area with a range of densities, with highest densities generally to be concentrated around identified nodes and corridors. An urban neighborhood may include undesignated nodes and some other small-scale uses, including neighborhood-serving commercial and institutional and semi-public uses (for example, schools, community centers, religious institutions, public safety facilities, etc.) scattered throughout. More intensive non-residential uses may be located in neighborhoods closer to Downtown and around Growth Centers. Not generally intended to accommodate significant new growth, other than replacement of existing buildings with those of similar density.

The proposed improvements to the existing building are consistent with the following provisions of *The Minneapolis Plan for Sustainable Growth*, as follows:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.” This policy includes the following applicable implementation step: (1.1.5) “Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.”

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use Policy 1.7 of *The Minneapolis Plan for Sustainable Growth* states, “Limit new and expanded auto-oriented uses in the city so impacts on the form and character of commercial areas and neighborhoods can be minimized. The policy includes the following applicable implementation step: (1.7.3): “Auto-oriented uses should be designed with aspects of traditional urban form, to minimize the impact on the pedestrian realm.”

Urban Design Policy 10.18 of *The Minneapolis Plan for Sustainable Growth* states: “Reduce the visual impact of automobile parking facilities.” The policy includes the following applicable implementation steps: (10.18.1) Require that parking lots meet or exceed the landscaping and screening requirements of the zoning code, especially along transit corridors, adjacent to residential areas, and areas of transition between land uses. (10.18.2) Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines. (10.18.3) Locate parking lots to the rear or interior of the site.

Urban Design Policy 10.19 of *The Minneapolis Plan for Sustainable Growth* states: “Landscaping is encouraged in order to complement the scale of the site and its surroundings, enhance the built environment, create and define public and private spaces, buffer and screen, incorporate crime prevention principles, and provide shade, aesthetic appeal, and environmental benefits.”

*Staff comment:* The proposal is in conformance with the above noted policies and implementation steps of *The Minneapolis Plan for Sustainable Growth*. Staff has concerns that allowing an automobile related use in a community corridor will increase the amount of time until the use transitions to residential. However, the implementation of the site plan improvements will most likely mitigate potential conflicts with the neighboring residential uses. The proposed use is generally consistent with these goals of *The Minneapolis Plan for Sustainable Growth*.

### **Conformance with Applicable Development Plans or Objectives Adopted by the City Council**

No small area plans for this area of Minneapolis have been adopted by the City Council.

### **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 standard:

**The zoning code (530.170) requires a seven foot buffer along the property lines for parking lots with less than 100 parking spaces.** The applicant is proposing to meet this requirement with the exception of the northeast portion of the lot. At this location the applicant is proposing a parking space and to continue the 15-foot wide drive isle to the back of the lot. CPED is recommending that the drive isle be retained at its current width because strict adherence to the zoning code requirements would be impractical given the existing conditions. However, CPED is recommending that the northeastern parking space be converted to a landscaped area. If this space is landscaped, the portion of the lot not meeting the seven-foot wide buffer would be reduced from 100 feet to 80 feet.

**RECOMMENDATIONS**

**Recommendation of the Community Planning and Economic Development Department – Planning Division for the Change of Nonconforming Use**

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the change of nonconforming use from a warehouse to a minor automobile repair and warehouse facility in the R3-Residential District located at 1401 Marshall Street Northeast, subject to the following conditions:

1. All site improvements shall be completed by June 11, 2012, unless extended by the Zoning Administrator, or the permit shall be revoked for non-compliance.

**RECOMMENDATIONS:**

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

The Department of Community Planning and Economic Development– Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the site plan review application to allow an minor automobile repair and warehouse in the R3 residential district at 1401 Marshall Street Northeast with the following conditions:

1. CPED Planning staff review and approval of the final site, floor plans and elevations.
2. All site improvements shall be completed by June 11, 2013, unless extended by the Zoning Administrator, or the permit shall be revoked for non-compliance.
3. An accessible and clearly identifiable entrance shall be installed along Marshall Street Northeast through the use of lights and/or architectural features.
4. Previous window openings along the northern portion of the Marshall Avenue elevation shall be reopened and clear, non-reflective glazing shall be installed that extends the full opening from top of the opening to the floor.
5. The existing glass block and opaque windows facing 14<sup>th</sup> Avenue Northeast shall be removed and transparent windows shall be installed that span the entire opening; a tinted film can be installed to reduce visibility of the warehouse facility.
6. At least 3,369 square feet (20 percent of the net lot area) of landscaped area shall be provided on-site and at least 7 deciduous canopy trees and 34 shrubs shall be provided as required by section 530.160 of the zoning code. The applicant is encouraged to plant native grasses and perennials in addition to the required trees and shrubs.

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7. A landscaped yard of at least seven (7) feet wide and screening of three (3) feet in height and not less than 60% opaque shall be provided along Marshall Street Northeast as required by section 530.160 of the zoning code.
8. The installation and maintenance of all landscape materials shall comply with the standards outlined in section 530.210.
9. Used tire sales are prohibited.
10. All refuse storage shall be located within the building.
11. All loading and unloading shall happen within the building.
12. The parking lot shall be striped and contain wheel stops for parking spaces.
13. The tall shrubs in front of the windows along Marshall Street Northeast shall be trimmed to three feet in height or replaced with shorter shrubs to allow for natural surveillance and visibility.
14. The entire building shall be repainted in a consistent color(s) to improve the building appearance.
15. The curb cut leading to the Marshall Avenue Northeast loading dock and the curb cuts along 14<sup>th</sup> Avenue Northeast shall be eliminated and boulevards reinstalled.
16. The existing chain link fence along the north and east side of the property shall be removed and a vinyl-coated chain link fence installed in its place.
17. Landscaping shall be installed along the north and east property lines that is three feet in height and meets the 95 percent opacity requirement.

**Attachments:**

- 1) Written descriptions and findings submitted by the applicant.
- 2) Copies of e-mails sent to Sheridan Neighborhood Organization and CM Hofstede explaining the project
- 3) Zoning map
- 4) Existing land use map
- 5) Future land use map
- 6) Plans-Site plan, landscaping plan, renderings
- 7) Applicant photo key and photos
- 8) Oblique aerial photos
- 9) Public comments