

**Department of Community Planning and Economic Development – Planning Division**  
Zoning Amendment (Rezoning), Conditional Use Permit, Site Plan Review  
BZZ-3251

**Date:** October 30, 2006

**Applicant:** Trygue Truelson

**Address of Property:** 1851 Central Ave NE

**Project Name:** Porky's

**Contact Person and Phone:** Aaron Roseth, 1072 Ruggles St, Roseville MN 55113, (612) 205-7231

**Planning Staff and Phone:** Tara Beard, (612) 673-2351

**Date Application Deemed Complete:** September 29, 2006

**End of 60-Day Decision Period:** November 28, 2006

**End of 120-Day Decision Period:** The applicant was sent a letter on October 2, 2006 extending the decision period to January 27, 2007.

**Ward:** 1      **Neighborhood Organization:** Windom Park Citizens in Action, adjacent to Holland Neighborhood Improvement Association and Logan Park Neighborhood Association.

**Existing Zoning:** C1 Neighborhood Commercial District

**Proposed Zoning:** C2 Neighborhood Corridor Commercial District

**Zoning Plate Number:** 10

**Legal Description of Property Proposed for Rezoning:** The land referred to is situated in the State of Minnesota, County of Hennepin, and is described as follows:

Provos addition to Minneapolis, block 2, lots 12 to 15 incl.

**Lot area:** 14,040 square feet

**Proposed Use:** The new construction of a Porky's drive thru restaurant.

**Concurrent Review:**

- Rezoning from a C1 to a C2 zoning district
- Conditional Use Permit to allow a fast food restaurant
- Site Plan Review

**Applicable zoning code provisions:** Chapter 525: Article VI Zoning Amendments; Article VII Conditional Use Permits; Chapter 530 Site Plan Review Chapter 54: Commercial Districts.

**Background:** The applicant, Trygve Truelson, submitted multiple land use applications to build a new Porky’s restaurant at 1851 Central Ave NE in 2005. At that time, C4 zoning was needed to allow a fast food use. A stand-alone fast food restaurant is permitted as a conditional use in C2 zoning only if 660 feet of linear C2 zoning exists. At the time of the previous application, the site was surrounded by C1 zoning. The application was then withdrawn to allow an adjacent property (1911 Central Ave NE) to be considered for rezoning from C1 to C2. That rezoning was approved de facto; a rezoning of 1831 Central Ave NE to C2 would now provide the required linear feet of C2 zoning to allow the conditional use of a fast food restaurant.

The project site was formerly a gas station and has been vacant for some time. The site is adjacent to residential dwellings, a police station, and other commercial uses.

A fast food restaurant is a conditional use in all commercial districts; however, drive-through facilities are prohibited in C1 districts. Fast food restaurants that are not a part of a storefront building are permitted in C2 districts if the property is a part of 660 feet of contiguous C2 zoning. If rezoned to C2, this property would be a part of 660 feet of linear C2 zoning.

In addition to the rezoning and conditional use permit applications, site plan review is required.

The applicant has been working with Windom Park Citizens in Action. Staff has not received an official response from the neighborhood at the printing of this report with respect to this most recent application, although communication has been occurring throughout the process.

## **ZONING AMENDMENT -**

### **Required Findings for a zoning amendment:**

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

The portion of Central Ave where the proposed project is located is designated a Commercial Corridor in *The Minneapolis Plan*. It is four blocks south of the Activity Center designated by the Plan at Lowry Ave NE. Specific chapters of *The Minneapolis Plan* that pertain to this project are as follows:

*The Minneapolis Plan*, Chapter 4.3 states: “Minneapolis will support development in Commercial Corridors where it enhances the street’s character, improves its ability to accommodate automobile traffic and foster pedestrian movement, and expands the range of goods and services offered.” One of the implementation plans for this section of the plan is to “support a mix of uses on Commercial Corridors--such as retail sales, office, institutional, higher density residential (including Major Housing Sites where designated), and clean low-impact light industrial--where compatible with the existing and desired character of the street.”

Rezoning the property to C2 allows more flexibility in the uses permitted at the site in question, since some auto-oriented uses require 660 feet of linear C2 zoning, which would be accomplished by this rezoning. However, commercial corridors are also meant to support a mix of zoning, including C1. Rezoning 1851 Central Ave NE to C2 zoning makes C2 the dominant zoning in the three block section of Central from 18 ½ Ave NE to 22<sup>nd</sup> Ave NE. Such concentration of C2 zoning on a commercial corridor may be more appropriate at the Activity Center at Central and Lowry.

Policy 4.11's implementation strategies also include regulating "impacts of commercial uses, and in some cases prevent some uses from locating on designated Commercial Corridors, due to their adverse impacts on the viability of nearby residential areas." The project is located across a public alley from an 8-unit multi-family dwelling with R5 zoning, and is within a quarter of a mile of many single-family homes. The portion of Central Ave NE around the site is sprinkled with mainly C1 and C2 uses, with R5 zoning providing a buffer between the Commercial Corridor and the lower-density (R2B) residential zoning to the east. The checkerboard nature of the C1 and C2 districts along this portion of Central Ave NE eliminates the more intense uses that are possible with 660 feet of contiguous C2 zoning that could be detrimental to the surrounding residential uses.

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

The rezoning is in the interest of the property owner, as the Central Avenue Plan (not adopted but widely used by the community) calls for pedestrian oriented uses on this portion of Central Ave NE. Rezoning to C2 would not only allow the fast food restaurant that the applicant is proposing, but also allows the drive-through that is also proposed.

**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.**

There is no current use of the property, which was a gas station but has been vacant for years. The site is adjacent to C2 and R5 zoning (although the adjacent use in the R5 district is a single family home); the proposed rezoning is potentially compatible with adjacent zoning but the linear feet of C2 that would be created by this proposal would allow uses that are not consistent with *The Minneapolis Plan*

**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.**

Many pedestrian oriented commercial uses are permitted in the C1 district, including restaurants (other than fast food), mixed use (up to 18 dwelling units) and multiple-family dwellings (up to 15 dwelling units).

- 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.**

The portion of Central this project is located in hasn't changed much – it has been historically and is intended to be in the long term a commercial corridor. Central Avenue has had traditional building form in places and auto-oriented form in others but the long-term preference in the Central Avenue plan (not adopted but widely used by the community) is that the uses along the avenue become more mixed-use, traditional in form and pedestrian-oriented.

A large, mixed use development was recently construction directly across the street from this site (1900 Central Ave NE). Part of this site was already C2 and the rest was rezoned to C2 in accordance with staff recommendation. In this case, the C2 rezoning did not result in 660 linear feet required for more auto-oriented uses.

### **CONDITIONAL USE PERMIT -**

#### **Required Findings for the Conditional Use Permit to allow a fast food restaurant:**

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

The rear of the site is across an alley from a single family home that could be adversely affected by the lights and noise that can be caused by a fast food restaurant with a drive-through.

- 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.**

Allowing a fast food restaurant on this site may discourage the future development of pedestrian oriented, storefront buildings that are desired in the area. Enjoyment of the residents of nearby single family homes may also be reduced because of the vehicular traffic encouraged by a fast food use with a drive-through.

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

There is no indication that the necessary utilities and other measures are not adequate for the site.

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

There are two existing curb cuts off Central Ave NE and one curb cut off 19<sup>th</sup> Ave NE. The applicant is proposing to close the curb cut off Central that is closest to the intersection and move the curb cut off 19<sup>th</sup> to accommodate the site plan.

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

See finding #1 in the rezoning section.

**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.**

In addition to the Rezoning and Conditional Use Permit, the proposed project requires Site Plan Review. The applicant must also comply with the following specific development standards found in Chapter 536.20:

*Restaurant, fast food.*

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.

Finally, at the time of the printing of this report, the applicant has not been scheduled for Preliminary Development Review (PDR). PDR must take place before final plans will be accepted.

**SITE PLAN REVIEW**

**Findings as Required By the Minneapolis Zoning for 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 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. 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.**

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

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

### **Conformance:**

- The building is placed at the corner of Central Ave NE and 19<sup>th</sup> Ave NE.
- The building is on a corner lot and is less than 8 feet from 19<sup>th</sup> Ave NE. Approximately one-third of the building frontage along Central Ave NE is within 8 feet of the property line; the remaining two-thirds of the Central Ave building frontage is within 10 feet of the property line. If the site plan is approved, staff would recommend that the entire Central Ave NE building frontage be within 8 feet of the property line as a condition of approval.
- The area between the building and the property line along Central Ave NE is proposed to be used for outdoor seating in the summer months. The area between the building and the property line along 19<sup>th</sup> Ave NE is landscaped on the submitted plans.
- The platting of the block on which the site is located indicates that 19<sup>th</sup> Ave NE is the front lot line; the principal entrance shown faces the parking lot. Central Ave NE is a designated commercial corridor and therefore staff would recommend alternative compliance for an entrance facing Central Ave NE instead of 19<sup>th</sup> Ave NE. The applicant has indicated a willingness to move the principal entrance to face Central Ave NE.
- On site parking is provided to the south of the building, and has frontage on Central Ave NE. The site dimensions are such that surface parking would be difficult to accommodate entirely in the rear of the site.
- Windows are required on 30% of the elevation for three sides of the building because they face a public street or on-site parking lot. The proposed windows provided are as follows:
  - 19<sup>th</sup> Ave NE elevation
    - 1<sup>st</sup> floor facing a public street: 30% required, 10% provided
  - Central Ave NE elevation
    - 1<sup>st</sup> floor facing a public street: 30% required, 51% provided
  - South elevation
    - 1<sup>st</sup> floor facing an on-site parking lot: 30% required, 70% provided

Staff would support alternative compliance for the percentage of windows facing 19<sup>th</sup> Ave NE as Central Ave NE and the parking lot are likely to have more pedestrians and customers to look through those windows, and each of these elevations provide more than the required amount of fenestration.

- Windows are mostly square or slightly horizontal individually, but are distributed horizontally in a more or less even manner.
- There is one section of the building's east elevation that has more than 25 feet of blank wall. If the site plan were approved, staff would recommend requiring that this be corrected as a condition of approval.
- Three different materials would be used for the exterior of the building: Metal tiles, stucco, and glass. The majority of the building is clad in checkered red and white metal tiles, with a portion

of the northwest corner in stucco that raises above the proposed roof and storefront windows facing the west and the south.

- Plain-face concrete block is not proposed as an exterior material for any part of the building.
- The proposed roof is slanted; most adjacent non-residential building roofs are flat. If the site plan is approved, staff would recommend alternative compliance for this condition as it is a stand alone building and does not resemble the other commercial buildings in the area in materials or signage, either.

**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:**

- The building is sited on a concrete patio that connects to the public sidewalks and steps down to the parking lot.

- There is an existing transit shelter in front of the site on Central Ave NE. There is an existing light next to the transit shelter.
- There are two proposed curb cuts for the project; three curb cuts currently exist to the site. A curb cut off Central Ave NE will be entrance only, and a curb cut off 19<sup>th</sup> Ave NE will be exit only and left turn only to prevent traffic from impacting the residential neighborhood to the east.
- The orientation of the parking spaces would allow headlights to face the adjacent single-family home, but a 6 foot privacy fence is proposed to mitigate that impact.
- The concrete patio proposed to surround the west and south sides of the building could be landscaped, but the applicant would like to allow outdoor seating in those locations in the summer months.

#### **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:**

- The lot area (14,040 sq. ft.) less the building footprint (2,076 sq. ft.) yields a net site of 11,964 sq. ft. The Code requires a minimum of 2,393 sq. ft. of landscaping, 5 trees and 24 shrubs. The total landscaping proposed by the applicant is 2,133 sq. ft. This equals 18% of the net site. The proposed project includes 12 trees and 61 shrubs; however, all proposed trees are evergreens. If this site plan is approved, staff recommends requiring at least 5 canopies trees on the site as specified in section 530.160 (1) of the code. If the site plan is approved, staff would furthermore recommend alternative compliance for the amount of landscaping on the site because of the additional trees being provided.
- Screening is required between the surface parking lot and the public right-of-way along Central Ave NE and between the parking area and the residential use across the alley to the east. Such screening is provided for the required frontage on Central Ave NE via a landscape hedge. Screening between the parking area and the alley across from a residential use is provided via a 6 foot wooden privacy fence.
- Seven feet of landscaping is required between the surface parking lot and the property line along Central Ave NE, and between the parking area and the alley across from a residential use to the east. Along Central Ave only 3 feet 7 inches of landscaping is provided; at least 7 feet of landscaping is provided between the alley and parking area. If the site plan is approved, staff would recommend alternative compliance for the reduced landscaping along Central because of the narrow width of the site and the excess of screening (up to 13 feet 8 inches) between the parking areas and the alley across from the single family dwelling. Staff would recommend decorative fencing be added in this location to warrant alternative compliance.
- There are no corners created by the parking layout that should be landscaped.
- All surface parking stalls are within 50 feet of an on-site tree; however these trees are specified as evergreens. If the site plan is approved, staff recommends requiring that the necessary trees be replaced with deciduous trees to meet the requirements of section 530.170 (e) of the code.
- All areas not occupied by buildings, the proposed concrete patio, parking and loading facilities or driveways will be covered with turf grass, native grasses, or other perennial flowering plants, vines, mulch, shrubs or trees.

#### **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:**

- No wheel stops are shown for the surface parking spaces. If the site plan is approved, staff recommends requiring wheel stops be added as a condition approval per the requirements of section 530.230 of the code.
- Most drainage from the surface parking lot will be directed to the City’s stormwater system.
- The project will not block views of important elements of the city nor create any substantive shadows on adjacent buildings and open spaces.
- The project would not be expected to contribute significantly to ground-level winds.
- The site design and landscape plan allows views from the public sidewalk into the site.

**Alternative Compliance: The Planning Commission or zoning administrator may approve alternatives to any site plan review requirement upon finding any of the following:**

- **The alternative meets the intent of the site plan chapter and the site plan includes amenities or improvements that address any adverse effects of the alternative. Site amenities may include but are not limited to additional open space, additional landscaping and screening, green roof, decorative pavers, ornamental metal fencing, architectural enhancements, transit facilities, bicycle facilities, preservation of natural resources, restoration of previously damaged natural environment, rehabilitation of existing structures that have been locally designated or have been determined to be eligible to be locally designated as historic structures, and design which is similar in form, scale and materials to existing structures on the site and to surrounding development.**
- **Strict adherence to the requirements is impractical because of site location or conditions and the proposed alternative meets the intent of this chapter.**
- **The proposed alternative is consistent with applicable development plans or development objectives adopted by the city council and meets the intent of this chapter.**

**Conformance:** Staff is not recommending alternative compliance for this project. While there are items in the site plan that are not meeting the requirements of Chapter 530 that could be appropriate for alternative compliance, staff is recommending denial of the site plan and therefore alternative compliance would not be granted. However, if the site plan is approved, staff would support alternative compliance for the following items:

- Approximately one-third of the building frontage along Central Ave NE is within 8 feet of the property line; the remaining two-thirds of the Central Ave building frontage is within 10 feet of the property line. If the site plan is approved, staff would recommend that the entire Central Ave NE building frontage be within 8 feet of the property line as a condition of approval. Staff would not recommend alternative compliance for this condition.
- The platting of the block on which the site is located indicates that 19<sup>th</sup> Ave NE is the front lot line; the principal entrance shown faces the parking lot. Central Ave NE is a designated commercial corridor and therefore staff would recommend alternative compliance for an entrance facing Central Ave NE instead of 19<sup>th</sup> Ave NE. The applicant has indicated a willingness to move the principal entrance to face Central Ave NE.
- There is one section of the building’s east elevation that has more than 25 feet of blank wall. If the site plan were approved, staff would recommend requiring that this be corrected as a condition of approval, and would not recommend granting alternative compliance.

- Staff would support alternative compliance for the percentage of windows facing 19<sup>th</sup> Ave NE (30% is required, 10% is provided) as Central Ave NE and the parking lot are likely to have more pedestrians and customers to look through those windows, and each of these elevations provide more than the required amount of fenestration.
- The proposed roof is slanted; most adjacent non-residential building roofs are flat. If the site plan is approved, staff would recommend alternative compliance for this condition as it is a stand alone building and does not resemble the other commercial buildings in the area in materials or signage, either.
- If the site plan is approved, staff would recommend alternative compliance for the amount of landscaping on the site because of the additional trees being provided.
- The Code requires a minimum of 5 trees and 24 shrubs for this project. The proposal includes 12 trees and 61 shrubs; however, all proposed trees are evergreens. If this site plan is approved, staff recommends requiring at least 5 canopies trees on the site as specified in section 530.160 (1) of the code. Staff would not recommend granting alternative compliance for this condition.
- If the site plan is approved, staff would recommend alternative compliance for the reduced landscaping along Central because of the narrow width of the site and the excess of screening (up to 13 feet 8 inches) between the parking areas and the alley across from the single family dwelling. Staff would recommend decorative fencing be added in this location to warrant alternative compliance.
- All surface parking stalls are within 50 feet of an on-site tree; however these trees are specified as evergreens. If the site plan is approved, staff recommends requiring that the necessary trees be replaced with deciduous trees to meet the requirements of section 530.170 (e) of the code. Staff would not recommend alternative compliance.

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 proposed use is permitted in the C2 District with a conditional use permit. A fast food restaurant is prohibited in the C1 District.

**Off-Street Parking and Loading:** The parking requirement calculated per Chapter 541 is based on the capacity of the restaurant. The proposed restaurant would seat up to 21 customers, which requires 7 parking spaces. Nine parking spaces are provided.

Because the proposal includes a drive-through, a minimum of 6 stacking spaces must be provided for the drive-through. The current site plan only shows room for 4 stacking spaces. The applicant has indicated that final plans would show the 6 required stacking spaces. It is likely that such a change would have a significant impact on the site plan and may result in another public hearing by the City Planning

Commission if the Zoning Administrator deems such changes significant under sections 525.360 and 530.100 of the zoning code.

**Maximum Floor Area:** The maximum floor area ratio for the C2 district is 1.7. The applicant's proposal would result in a floor area ratio of 0.15.

**Building Height:** Building height in the C2 District is limited to 4 stories or 56 feet, whichever is less. The proposed building would be one floor, but 2 stories as the building height exceeds 14 feet. The building's highest point is 25 feet.

**Minimum Lot Area:** The minimum lot area requirement in the C2 district for a food and beverage use with a drive-through facility is 12,000 sq. ft. The site is 14, 040 sq. ft.

**Yard Requirements:** The only setback for the property occurs in the northeast corner where the property is across an alley from a residential use. The first 40 feet of the site must match the front yard setback of the adjacent residential district, or 15 feet. The current site plans show a trash enclosure in this setback, which is not a permitted obstruction. The applicant has indicated that the trash enclosure would be moved further south, outside of the front yard in the final plans.

**Specific Development Standards:** The following specific development standards apply:

The premises, all adjacent streets, sidewalks and alleys, and all sidewalks and alleys within one hundred (100) feet shall be inspected regularly for purposes of removing any litter found thereon.

**Hours of Operation:** The proposed hours are from 10AM to 10PM Sunday – Thursday and from 10AM to 11PM on Friday and Saturday. These are within the permitted hours of operation in the C2 district.

**Lighting:** Lighting must comply with Chapter 535 and Chapter 541 of the zoning code.

**Signs:** There is one proposed wall sign on the west building elevation. The proposed sign is larger than is permitted by Table 543-2 of the zoning code. The proposed sign is 120 sq. ft.; only 70 sq. ft. are allowed. The applicant has indicated that final plans would show signage in compliance with Chapter 543 of the code.

**Refuse storage:** All storage of refuse and recyclable materials will located in a trash enclosure in northeast corner of the site.

**Minneapolis Plan:** See finding #1 of the rezoning section.

## **RECOMMENDATIONS:**

### **Recommendation of the Department of Community Planning and Economic Development – Planning Division for the zoning amendment change from C1 zoning to C2 zoning district:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **deny** the application for a zoning amendment to change 1851 Central Ave NE from a C1 to a C2 zoning district.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit to allow a fast food restaurant:**

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a conditional use permit for a fast food restaurant at 1851 Central Ave NE.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **deny** the application for a site plan review at 1851 Central Ave NE.

**Attachments:**

1. Statement of use
2. Findings
3. Correspondence
4. Site Plan, Floor Plans, Elevations, & Zoning map
5. Photos