



Request for City Council Committee Action from the Department of

Date: 1/11/2006

To: Gary Schiff, Chair Zoning & Planning Committee

Subject: 2716 Lowry Ave. N. d.b.a. Hansen Brothers Fence (File: CU-1000275)

Recommendation: The Zoning Administrator has determined the above property is not in compliance with the approved plan and required conditions as set forth in CU-1000275. The subject property is not in compliance because:

- The Vincent Avenue curb-cut has not been re-located or closed.
- The landscaped areas are insufficient and do not reflect the approved plan.
- Commercial equipment and materials have been stored outside in the parking lot. An outdoor area for the storage of commercial equipment and materials was not shown on the approved site plan. The outdoor storage is a violation of the Minneapolis Zoning Code.

In accordance with Minneapolis Zoning Code section 525.560, the Zoning Administrator hereby recommends the City Council revoke Conditional Use Permit C-275 which allowed Hansen Brothers to operate a contractor's office at the above address.

Previous Directives

1/16/01 – Planning Commission Approves C.U.P.

(see attached)

3/1/02 – City Council votes in favor of Z&P recommendation to amend C.U.P. rather to revoke it as recommended by staff. The C.U.P. is amended with conditions and establishes a new deadline of 9/30/03.

(see attached)

Prepared by: Paul M. Smith, Zoning Inspector, CPED

Approved by: Steve Poor, Zoning Administrator, CPED

Permanent Review Committee (PRC) Approval _____ Not Applicable

Note: To determine if applicable see <http://insite/finance/purchasing/permanent-review-committee-overview.asp>

Policy Review Group (PRG) Approval _____ Date of Approval _____ Not Applicable

Note: The Policy Review Group is a committee co-chaired by the City Clerk and the City Coordinator that must review all requests related to establishing or changing enterprise policies.

Presenters in Committee (name, title)

Financial Impact (Check those that apply)

No financial impact (If checked, go directly to Background/Supporting Information).

Action requires an appropriation increase to the _____ Capital Budget or _____ Operating Budget.

Action provides increased revenue for appropriation increase.

Action requires use of contingency or reserves.

Business Plan: _____ Action is within the plan. _____ Action requires a change to plan.

Other financial impact (Explain):

Request provided to department's finance contact when provided to the Committee Coordinator.

Community Impact (use any categories that apply)

Neighborhood Notification

City Goals

Comprehensive Plan

Zoning Code

Other

Background/Supporting Information Attached

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Neighborhood Notification

Residents within 350' of the 2716 Lowry Ave. N. were mailed notification of the revocation hearing on January 6, 2006 in accordance with Minneapolis Zoning Code 525.560(b).

Zoning Code

This procedure is in accordance with Minneapolis Zoning Code 525.560(a).

Minneapolis Zoning Code 525.560(a)

"The zoning administrator shall have the authority to recommend revocation of a conditional use permit or site plan review approval to the city council when the zoning administrator has determined that the terms of such approval have been violated, subject to section 525.550".

Section 525.550 requires the zoning administrator to properly notify the property owner before proceeding with further enforcement actions. The owners of 2716 Lowry Ave. N. have been duly notified of the zoning violations related to their business and property at 2716 Lowry Ave. N. in accordance with section 525.550.

Minneapolis Code Section 525.550

"Procedures upon discovery of violations. (a) Notice of violation. The zoning administrator or the director of regulatory services shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. The written notice shall advise that the decision or order may be appealed to the board of adjustment in accordance with the provisions of section 525.170. Additional written notices may be provided at the discretion of the enforcement official. Where the violation involves work being done contrary to the provisions of this zoning ordinance, the zoning administrator or director of regulatory services may order the work stopped. No further work shall be undertaken while a stop-work order is in effect."

ATTACHMENTS

- Notice of violation dated August 25, 2000
- Letter from Hansen Brothers Fenc dated October 31, 2000
- Action by the City of Minneapolis, City Planning Commission, approving CU-1000275 (1/16/2001) and Action by the Minneapolis City Council, sustaining CU-1000275 and amending conditions of same (3/1/2002)
- Memo to Council Member Gary Schiff dated February 4, 2002, recommending revocation of CU-1000275 with supporting documentation, copy of approved site plan, December 28, 2001 notice of violation and photos
- Notice of violation from December 1, 2003 with copy of approved site plan
- Revised notice of violation including notice of revocation hearing dated January 6, 2006
- Revised notice of violation sent to neighbors within 350 feet of the subject property with map of said properties
- Letter from Christian Hansen to Steve Poor received by facsimile on January 12, 2006, requesting the hearing date be changed