

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permits
BZZ-4837

Date: December 13, 2010

Applicant: Bari Niaz

Address of Property: 2501 2nd Street N

Project Name: N/A

Contact Person and Phone: Bari Niaz, (612) 990-4000

Planning Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: November 17, 2010

End of 60-Day Decision Period: January 16, 2011

Ward: 3 **Neighborhood Organization:** Hawthorne

Existing Zoning: I2 Medium Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 8

Legal Description: Not applicable for this application

Proposed Use: Two taxicab service uses and one minor automobile repair use within an existing building.

Concurrent Review:

- **Conditional use permit** to allow two taxicab service uses in the I2 Medium Industrial District.
- **Conditional use permit** to allow a minor automobile repair use in the I2 Medium Industrial District.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permits and Chapter 550 Industrial Districts.

Background: Bari Niaz has applied for three conditional use permits to allow two taxicab service uses and one minor automobile repair use within an existing multi-tenant building at 2501 2nd Street N. This multi-tenant building contains a number of light industrial and automobile service uses. The building is 172,375 square feet and has 12 total tenant spaces. Three of these spaces are occupied by the applicant. They were previously occupied by Classic Limo, a limousine service, dispatch office and automobile

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repair use. A site plan was approved for the property in 2001 when two uses, Elite Autosport and Hadeel Garage, were established in the building. The applicant has recently installed a fence and received approvals for landscaping to be installed on the site in the spring of 2011. These two items will bring the site into compliance with the previously approved site plan. Therefore, no additional design and maintenance is required at this time. The proposed uses were established within the building without proper licenses and land use approvals. The applicant is currently working with Business Licensing staff to obtain the proper licenses upon approval of the required land use applications.

Table 550-1 of the zoning code lists taxi services and minor automobile repair as conditional uses in the I2, Medium Industrial, district. Conditional use permits have been applied for accordingly. There are no specific development standards for taxicab service uses in the I2 district. Minor automobile repair uses are subject to specific development standards, as follows:

- (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

The site is in Hawthorne neighborhood. As of the writing of this staff report, no correspondence has been received from the neighborhood organization. Any correspondence, if received, will be forwarded to the Commission.

CONDITIONAL USE PERMIT: for a taxicab service use in the I2 Medium Industrial District.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

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The applicant is proposing to convert a 9,972 square foot tenant space within an existing building to a taxicab service use. The use will function as two separate taxicab companies with one common dispatch office. The tenant space(s) is on the east side of the building, facing 2nd Street North. This portion of the building was previously occupied by a similar automobile service use, Classic Limo, which served as a dispatch office and auto repair use. Other tenant spaces in this building include various automobile related uses and light industrial uses. All activities related to the use will occur indoors and no excessive noise or odors are expected to result from the use.

The property is zoned I2, Medium Industrial, and is bordered by I2 zoning on all sides. CPED Planning staff believes that the proposed use will not prove detrimental to public health, safety, comfort or general welfare provided it complies with all applicable building codes and life safety ordinances, as well as Public Works Department standards.

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

The surrounding area is fully developed with a mix of industrial and vehicle related uses. Converting these tenant spaces, which previous functioned as a dispatch office and auto repair use for a limousine service, is not expected to be injurious to the use and enjoyment of other property in the vicinity. The use is compatible with the industrial character of surrounding properties in the area and compatible with other uses within the building. Allowing this automobile service use within the existing building will not impede the normal and orderly development of surrounding properties.

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

The site is served by existing infrastructure. Vehicle access is provided via existing curb cuts from 2nd Street N, 26th Avenue N and 24th Avenue N. The site has a previously approved site plan and is in compliance with said plan.

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

The project is not expected to contribute to congestion in the public streets. The site has 105 off-street parking spaces for the twelve building tenants. The parking requirement for the taxicab use is one space per 500 square feet of gross floor area in excess of 4,000 square feet, with a minimum of 4 spaces, plus one space for every two service bays. The tenant space is 9,972 square feet and has two service bays, resulting in a minimum off-street parking requirement of 13 spaces. This parking requirement is identical to the requirement for the previous use that existed in this tenant space. The total parking requirement for the balance of the building tenants is approximately 76 spaces.

The site has multiple access points from three of the surrounding streets. While this is a taxicab service use, it will function primarily as a dispatch office for the two taxi companies. Vehicles

are expected to come to the site as needed for maintenance and repairs and leave promptly once repairs are completed. The taxi fleet will be operated by individual drivers and will not be housed on the site.

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

The site is designated as Industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The industrial designation refers to areas suited for industrial development and limited supporting commercial uses. The following policies of the Comprehensive Plan apply to this project:

Policy 1.1: 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.

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.

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base. (Economic Development chapter).

4.2.3 Continue to assist businesses in identifying appropriate locations within the city.

The proposed use is consistent with the above policies of the Comprehensive Plan. The site is within the Upper River Industrial Employment District, as designated in the Industrial Land Use and Employment Policy Plan. The proposed taxicab use is not a use that is strictly industrial, but is appropriate in this location due to the industrial character of the area.

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

As previously stated, the site has an approved site plan from 2001 and, with the installation of the required landscaping, will be in compliance with said plan. Typically sites that require conditional use permits are also subject to the design and maintenance standards as provided in Chapter 530 Site Plan Review and Chapter 541 Off-Street Parking and Loading. No additional design and maintenance is required at this time. The site is in conformance with all other applicable district regulations.

CONDITIONAL USE PERMIT: for a taxicab service use in the I2 Medium Industrial District.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The applicant is proposing to convert a tenant space within an existing building to two taxicab service use. The use will function as two separate taxicab companies with one common dispatch office. Therefore, two separate conditional use permits are required; one for each taxicab company. The tenant space(s) is on the east side of the building, facing 2nd Street North. This portion of the building was previously occupied by a similar automobile service use, Classic Limo, which served as a dispatch office and auto repair use. Other tenant spaces in this building include various automobile related uses and light industrial uses. All activities related to the use will occur indoors and no excessive noise or odors are expected to result from the use.

The property is zoned I2, Medium Industrial, and is bordered by I2 zoning on all sides. CPED Planning staff believes that the proposed use will not prove detrimental to public health, safety, comfort or general welfare provided it complies with all applicable building codes and life safety ordinances, as well as Public Works Department standards.

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.

As stated above, the surrounding area is fully developed with a mix of industrial and vehicle related uses. Converting these tenant spaces, which previously functioned as a dispatch office and auto repair use for a limousine service, is not expected to be injurious to the use and enjoyment of other property in the vicinity. The use is compatible with the industrial character of surrounding properties in the area and compatible with other uses within the building. Allowing this automobile service use within the existing building will not impede the normal and orderly development of surrounding properties.

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

The site is served by existing infrastructure. Vehicle access is provided via existing curb cuts from 2nd Street N, 26th Avenue N and 24th Avenue N. The site has a previously approved site plan and will be in compliance with said plan upon the installation of the required landscaping in the spring.

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

The project is not expected to contribute to congestion in the public streets. The site has adequate off-street parking and multiple access points to serve the various uses within the building. Because the two taxi companies share one space, the parking requirement remains at 13 spaces. While this is a taxicab service use, it will function primarily as a dispatch office for the two taxi companies. Vehicles are expected to come to the site as needed for maintenance and repairs and leave promptly once repairs are completed. The taxi fleet will be operated by individual drivers and will not be housed on the site.

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

The site is designated as Industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The industrial designation refers to areas suited for industrial development and limited supporting commercial uses. The following policies of the Comprehensive Plan apply to this project:

Policy 1.1: 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.

1.1.6 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.

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base. (Economic Development chapter).

4.2.3 Continue to assist businesses in identifying appropriate locations within the city.

The proposed use is consistent with the above policies of the Comprehensive Plan. The site is within the Upper River Industrial Employment District, as designated in the Industrial Land Use and Employment Policy Plan. The proposed taxicab use is not a use that is strictly industrial, but is appropriate in this location due to the industrial character of the area and other industrial uses within the building.

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

As previously stated, the site has an approved site plan from 2001. Landscaping is proposed to be installed in the spring of 2011 to bring the site into compliance with said plan. The site is also in conformance with all other applicable regulations of the I2 district.

CONDITIONAL USE PERMIT: for a minor auto repair use in the I2 Medium Industrial District.

Findings as required by the Minneapolis Zoning Code for the conditional use permit:

The Community Planning and Economic Development Planning Division has analyzed the application and from the findings below concludes that the establishment, maintenance, or operation of the proposed conditional use:

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

The applicant is proposing to utilize a portion of the tenant space described above for minor auto repair. Two service bays will be provided, accessible via an overhead door on the east side the building. Minor auto repair consists of repairs and servicing of passenger automobiles, such as muffler replacement, oil changing and lubrication, tire repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners, auto installation, detailing and other similar activities. The applicant indicated that minor body work will also be performed on the site, but will be limited to dent repair. The minor auto repair will primarily serve vehicles in the taxicab fleets but will also be open to the public. As with the taxicab uses, all activities related to the minor auto repair will occur indoors and no excessive noise or odors are expected to result from the use.

The property is zoned I2 and bordered by I2 zoning on all sides. There are other vehicle related uses within the building, including other minor auto repair uses. CPED Planning staff believes that the proposed use will not prove detrimental to public health, safety, comfort or general welfare provided it complies with all applicable building codes and life safety ordinances, as well as Public Works Department standards.

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.

As stated above, the surrounding area is fully developed with a mix of industrial and vehicle related uses. Allowing a minor automobile repair use within the building will not be injurious to the use and enjoyment of other properties in the area. An automobile repair use was previously located in this particular tenant space, under Classic Limo. Other auto repair uses are located on site. All activities related to the use will be conducted within the building to mitigate any impact on neighboring properties. The use is compatible with the industrial character of surrounding properties in the area and compatible with other uses within the building. Allowing this

automobile service use within the existing building will not impede the normal and orderly development of surrounding properties.

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

The site is served by existing infrastructure. Vehicle access is provided via existing curb cuts from 2nd Street N, 26th Avenue N and 24th Avenue N. Access into the service bays for the minor automobile repair use is via an existing overhead door on the east side of the building. The site has a previously approved site plan and is in compliance with said plan.

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

The project is not expected to contribute to congestion in the public streets. The site has adequate off-street parking. Only two service bays are proposed for the minor automobile repair, which will limit the amount of traffic generated by this use. As stated above, the primary function of the minor automobile repair is to serve the vehicles in the taxi fleet. The use will also be open to the public, but is not expected to generate significant volumes of traffic.

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

The site is designated as Industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. The industrial designation refers to areas suited for industrial development and limited supporting commercial uses. The following policies of the Comprehensive Plan apply to this project:

Policy 1.1: 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.

1.1.7 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.

Policy 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base. (Economic Development chapter).

4.2.3 Continue to assist businesses in identifying appropriate locations within the city.

The proposed use is consistent with the above policies of the Comprehensive Plan. The site is within the Upper River Industrial Employment District, as designated in the Industrial Land Use and Employment Policy Plan. The proposed taxicab use is not a use that is strictly industrial, but is appropriate in this location due to the industrial character of the area.

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

As previously stated, the site has an approved site plan from 2001. Landscaping is proposed to be installed in the spring of 2011 to bring the site into compliance with said plan. The site is also in conformance with all other applicable regulations of the I2 district.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a taxicab service use at 2501 2nd Street N, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The required landscaping shall be installed on the site by May 31, 2011, per the approved site plan.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a taxicab service use at 2501 2nd Street N, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The required landscaping shall be installed on the site by May 31, 2011, per the approved site plan.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow minor automobile repair at 2501 2nd Street N, subject to the following conditions:

1. The conditional use permit shall be recorded with Hennepin County as required by Minn. Stat. 462.3595, subd. 4 before building permits may be issued or before the use or activity requiring a conditional use permit may commence. Unless extended by the zoning administrator, the conditional use permit shall expire if it is not recorded within one year of approval.
2. The required landscaping shall be installed on the site by May 31, 2011, per the approved site plan.

Attachments:

1. Statement of use and findings
2. Correspondence
3. Zoning map
4. Site plan and floor plans
5. Photos.