

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-3790

Date: October 15, 2007

Applicant: Michael Sweat

Address of Property: 3620 Central Avenue NE

Project Name: MGS Maintenance Services, Inc.

Contact Person and Phone: Russell Kerber, 612-201-1907

Planning Staff and Phone: Michael Wee, 612-673-5468

Date Application Deemed Complete: September 19, 2007

End of 60-Day Decision Period: November 18, 2007

End of 120-Day Decision Period: Not applicable in this application

Ward: 1 **Neighborhood Organization:** Columbia Park and Waite Park

Existing Zoning: C2

Proposed Zoning: N/A

Zoning Plate Number: 6

Legal Description: Not applicable for this application

Proposed Use: Window Cleaning Contractor's Office and Warehouse

Concurrent Review: Conditional Use Permit to allow a contractor's office, including its warehousing requirements, in a C2 District.

Applicable zoning code provisions: Chapter 525, Article VII Conditional Use Permit; Chapter 541, Article VII Parking Area Design and Maintenance

Background: The applicant owns the property located at 3620 Central Avenue NE and has a business operating as a contractor for building maintenance services (window cleaning, lawn maintenance and snow removal) at this location for the past four years without a conditional permit. The one story building with a gross floor area of 5,500 square feet has seven other offices available for lease. Four of these spaces are on the ground floor and all occupied, including the applicant's office. The basement level also has four office spaces, two of which are currently occupied. These tenants include a tax

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preparer, an accountant, hair salon, massage therapist, and a general office. Office uses are permitted in a C2 District, except for a contractor's office which is a conditional use. The warehouse space of 2,000 square feet associated with the contractor's office is deemed by the zoning administrator to be an accessory use rather than a warehouse for storage of commercial merchandises. The conditional use permit also triggers the parking design and maintenance requirements of Article VII of Chapter 541 of the zoning code.

The property has outstanding violations (see attached report from the Inspector) that have not been duly addressed by the applicant. These violations include outdoor storage at one time, pole sign that has changed its sign face located on the north side of the property, and dumpster that is not appropriately enclosed. Attached is a chronological citation of code violations for the property at 3620 Central Avenue NE. The applicant has removed its outdoor storage in compliance but the sign and dumpster issues have not been addressed. Across the alley to the west of the property are predominantly single-family residential uses. Most of the surface parking spaces are located on the south side of the property, and seven employee parking spaces on the north side of the building. There is currently no landscaping and screening on the residential (west) side as required by Chapter 530 and to surface parking as required by Chapter 541 of the zoning code. Landscaping and screening is required by code if surface parking faces the public right-of-way and/or located across an alley from a residential district shall be landscaped and screened as required by Section 530.170(c) of the zoning code.

The building has a total gross floor area of 11,000 square feet on a 23,635 square feet lot. FAR is 0.47 which is way under the maximum permitted in C2 district. The property is almost entirely impervious with no landscaping except along the boulevard, but not adequate to meet the requirements of Section 530.160 of the code. The conditional use permit triggers the parking and loading landscaping and screening requirements of Section 530.170 of the zoning code. The applicant will have to resubmit a more detailed site plan and landscaping plan that are dimensioned and scalable. Changes to existing parking lot will be reviewed through the Preliminary Development Review (PDR) process.

The Columbia Park Neighborhood Association provided a letter of support for this application subject to 5 conditions (letter attached). No other comments were received from residents at the time of writing this staff report. Comments, if any received, will be forwarded to the Commission at the meeting.

CONDITIONAL USE PERMIT: To allow a contractor's office with associated warehouse in a C2 district.

Findings as required by the Minneapolis Zoning Code:

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

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

The existing contractor's office with accessory warehouse use is a conditional use in C2 District. The property is adjacent to residential uses located to the west. Landscaping and screening on site does not meet the requirements of Article VII of Chapter 541 and Article IV of Chapter 530

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of the zoning code. If approved, as a condition of approval staff recommends that these landscaping and screening requirements must be implemented as to the requirements of Chapter 530 and 541 of the zoning code. In addition, no outdoor storage shall be permitted in the premise at all times.

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.

Staff does not anticipate any incidents that may be injurious to the use and enjoyment of other property in the vicinity given the surrounding areas are fully developed. However, staff believes that improving the site by installing additional landscaping features along the right-of-way will enhance its neighborhood character.

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

The site is served by existing infrastructure and deemed adequate. No additional requirements are anticipated, unless required by PDR staff.

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

The combined number of off-street parking spaces is adequate for the present uses in the building. Staff does not anticipate any traffic increase or congestion in the public streets.

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

Policy 2.8 Minneapolis will develop the existing economic base by emphasizing business retention and expansion.

Relevant Implementation Step:

Promote business start-ups, retention and attractions. Foster a healthy business environment by encouraging access to the resources and information necessary for successful operation.

Policy 9.27 Minneapolis will coordinate land use and transportation planning on designated community corridors through attention to the mix and intensity of land uses, the pedestrian character and residential livability of the streets, and the type of transit service provided on these streets.

Relevant Implementation Step:

Ensure that commercial uses do not negatively impact nearby residential uses.

Staff Comment: The proposed use is consistent with the applicable policies of the comprehensive plan provided site enhancement through appropriate landscaping and screening is implemented in accordance with the code. Predominantly residential uses abutting the alley to the west should be screened from the C2 District. Applicant shall work with staff closely on selecting appropriate tree species and shrubs for year round screening.

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.

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A contractor's office with associated accessory warehouse on site is a conditional use in C2 District as determined by the zoning administrator. Upon approval of this conditional use permit, the contractor's office will conform to applicable regulations of the district in which it is located. Staff is recommending no less than 5 canopy trees and evergreen shrubs in between these trees be installed along the right-of-way as required by Section 530.170(b)(3) of the zoning code. The applicant will work with staff on selecting tree type and species prior to issuance of a CUP. Landscaping and screening is also required along the alley as required by Section 530.170(c) of the zoning code.

RECOMMENDATIONS

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the conditional use permit to allow a contractor's office with warehousing at 3620 Central Avenue NE 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 applicant shall bring the site into compliance with the parking and loading landscaping and screening standards of sections 530.170 and 541.320 of the zoning code.
3. No outdoor storage of any kind shall be permitted on site. This includes storage of commercial trucks and contractor's equipment and supplies.
4. Refuse storage shall be completely screened as required by Section 535.80 of the zoning code.
5. The applicant will completely address outstanding code violations by November 30, 2007; and all the required site improvement shall be completed by October 15, 2008 or the conditional use permit may be revoked for non-compliance.

Attachments:

Statement of use
Neighborhood Comment
Zoning map
Plans
Photos

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