

**Department of Community Planning and Economic Development – Planning Division**

**Conditional Use Permit Application  
BZZ-3172**

**Date:** October 16, 2006

**Applicant:** One Stop Station, Inc.

**Address of Property:** 1604 West Broadway

**Date Application Deemed Complete:** September 26, 2006

**End of 60 Day Decision Period:** November 25, 2006

**End of 120 Day Decision Period:** Not applicable

**Contact Person and Phone:** Mervat Girgis, 952-582-9432

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

**Ward: 5      Neighborhood Organizations:** Jordan and Willard-Hay

**Existing Zoning:** C2

**Proposed Use:** Gas Station with Convenience Store and Car Wash – extended hours

**Concurrent Review:** None

**Previous Actions:** Site plan approved for Amoco on April, 1999 (PR-480) indicated the same permitted use of automobile convenience facility consisting of convenience store, gas station, and a car wash.

**Background:**

The zoning code limits business operating hours in the C2 zoning district to Sunday through Thursday, from 6:00 am to 10:00 pm and on Friday and Saturdays, from 6:00 am to 11:00 pm. The applicant is seeking a conditional use permit to keep the One Stop Station open 24 hours a day, seven days a week, except on Sunday when it proposes to close at 11 p.m. The business at 1604 West Broadway is a gas station with a convenience store and a carwash. It is located in a predominantly residential district, and a few commercially zoned properties run along Broadway Avenue. Across the street is an Industrial Living Overlay District.

The property has changed ownership a few times until recently when the applicant bought it in 2005. It was originally an Amoco with the same permitted use (PR-480, approved in April, 1999). One of the conditions for that approval was to relocate the catch basin from the entrance drive to the curb end to the east. This has been complied with.

No comments were received from the neighborhood association at the time of writing this staff report.

### **CONDITIONAL USE PERMIT FOR EXTENDED HOURS**

#### **Findings as Required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department 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.**

One Stop Station is located on the north side of West Broadway Avenue between Girard Avenue N to the east and Penn Avenue N to the west. Mixed uses and zoning districts of C1, C2, OR1, OR2, R4 and R5 can be found along this corridor. To the north of subject property are concentrations of two-family residential uses. To the south are few industrial uses and single-family residential uses. The proposed extension of business hours can be detrimental or can endanger the public health, safety, comfort or general welfare of the area neighborhoods. Vehicular traffic would increase as a result of extended business hours. There is an insufficient buffer between this property and the residential district to the north to mitigate the impacts of extended hours of operation.

**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 uses the following criteria to determine compatibility of extended hours with the surrounding area:

**Proximity to permitted or conditional residential uses.** The site is zoned C2 – Neighborhood Corridor Commercial District, allowing the use of a service station and a car wash subject to conditional use permit approval. The current request is to extend its store hours to 24 hours each day except Sunday. The site is adjacent to low and high density residential uses with some office-residence and commercial uses in the immediate surroundings.

**Nature of the business and its impacts of noise, light and traffic.** Convenience store, gas, and a car wash business can generally create noise, light and traffic concerns to area neighborhoods. The possible impact will affect its abutting residential district without appropriate screening and buffering, which is insufficient in this case. Requesting an extended business hours would increase the chances in diminishing the quality of life in the surroundings, even if the car wash will not be in operation after 10 p.m. A vacuum machine is located adjacent to a fence to the north where it abuts a residential district. There is no possible way of reducing the noise level this machine may create. Prior site plan approval included an exterior light pole right next to the car wash entrance, but this has not been installed.

**Conformance of use.** Conditional use permits are required for uses such as the applicant's in a C2 District. Chapter 536 requires that the premise shall be maintained and cleaned within 100 feet of the business, but this and other issues seem to be not addressed by the applicant. There are litters and

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unkempt landscaping materials in the property. Screening requirements to buffer the residential districts are not sufficient to ensure comfort and privacy to these residents to the north. As earlier mentioned, a vacuum machine is located adjacent to the residential district in the north side. The noise level created by this machine can rarely be mitigated, especially during the night. Allowing to extend the hours will mainly intensify current conditions as listed above.

**Complaints received.** CODEFOR Unit report from Minneapolis Police Department indicate a significant number of incidences within the last nine months (copy of the report is attached). These incidences range from petty traffic trouble to life-threatening shooting in the premises which most of these occurred between the hours of 3pm and midnight.

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

The existing utilities, access roads, drainage and other facilities are adequate. No other utilities are required for this application.

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

Extending hours may significantly increase traffic congestion in the public streets during the extended hours.

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

Policy 9.8 of the Minneapolis Plan states that “Minneapolis will maintain and strengthen the character of the city’s various residential uses.”

Policy 9.15 of the Minneapolis Plan states that “Minneapolis will protect residential areas from the negative impacts of non-residential uses by providing appropriate transitions.”

The One-Stop Station is located in a commercial corridor that already has other commercial uses within the vicinity of low density and high-density residential districts. Allowing extended business hours that can possibly increase traffic congestion, create noise, and shine to residential district all do not conform to the above policies of the comprehensive plan.

**6. And, in all other respects, conform to the applicable regulations of the district in which it is located.**

As previously approved by the Planning Commission, the use is in conformance with all of the applicable policies of the zoning code and specifically the hours of operation in a C2 zoning district.

**RECOMMENDATION:**

The City Planning Department recommends that the City Planning Commission adopt the above findings and deny the conditional use permit application for extended hours for the One-Stop Station

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located at 1604 West Broadway.

Attachments:

CODEFOR report

Statements from the applicant

Site Plan

Site Photos