

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

Conditional Use Permit, Alteration of Non-conforming Use, Site Plan Review
BZZ-4998

Date: January 10, 2011

Applicant: Jameel Ahmed

Address of Property: 3650 Central Avenue NE

Project Name: Auto Giants

Contact Person and Phone: John Harriss, Harriss Architects (612) 339-2190

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

Date Application Deemed Complete: October 18, 2010

End of 60 Day Decision Period: December 17, 2010

End of 120 Day Decision Period: On November 18, 2010 staff sent a letter to the applicant extending the City's decision period for an additional 60 days, to February 15, 2011. The applicant submitted a letter on January 3, 2011 requesting an additional extension of the time in Minn. Stat. sec. 15.99 to April 9, 2011.

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

Existing Zoning: C2 Neighborhood Corridor Commercial district

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 6

Legal Description: Not applicable for this application.

Proposed Use: Used automobile sales and minor auto repair.

Concurrent Review:

Conditional use permit: for minor auto repair.

Expansion or alteration of non-conforming use: to allow a reconfiguration of the site and a new building for an existing used automobile sales use.

Site plan review: for the construction of a new 3,920 square foot building and site improvements.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits; Chapter 531, Nonconforming Uses and Structures and Chapter 530, Site Plan Review.

Background: Jameel Ahmed of Auto Giants is proposing to construct a new 3,920 square foot building at 3650 Central Avenue NE for a used automobile sales use with minor automobile repair. The project also includes a number of site improvements, including increased landscaping, modifications to the vehicle storage and parking area and modifications to the access. The building that was previously located on the site was destroyed by fire in April of 2010. The site is bordered by residential uses to the west, a retail use to the east across Central Avenue and commercial uses to the south. The parcel to the north, in the city of Columbia Heights, is currently vacant.

At the time of the fire in April of 2010 the site was occupied by an automobile sales use with a minor auto repair component. The applicant has continued to conduct used automobile sales on the property without a building since the fire. Automobile sales is a permitted use in the C2 district, but is limited to the sale of new and vintage passenger automobiles only. Used automobile sales is a non-conforming use. The site was zoned B3C-1 until 1999 and motor vehicle sales, including used vehicles, was a permitted use in that district. City records show that an automobile sales use has been located on the site since at least 1988. Therefore, it is a legal non-conforming use. The applicant is altering the site by moving the location of the building and altering the overall layout. Thus, an application for an expansion or alteration of a non-conforming use is required.

Minor automobile repair is a permitted conditional use in the C2 Neighborhood Corridor Commercial district. A conditional use permit is required and one has been applied for accordingly. The new building and associated site improvements also require an application for site plan review.

Staff received a letter from the Columbia Park Neighborhood Association dated November 21, 2010. In the letter, the neighborhood cites concerns with the building design and building materials. However, the version of the building that was reviewed by the neighborhood has been substantially modified. Said letter has been included as an attachment to this report.

This item was previously continued for one cycle from the December 13, 2010 meeting. to allow the applicant additional time to explore options for access to the site. The applicant is now requesting an additional continuance for three cycles, again to allow them time to address access issues. Continuing the application for three cycles would place it on the agenda for the February 22, 2011 City Planning Commission meeting.

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 findings above and

continue the conditional use permit to allow a minor automobile repair use for the property located at 3650 Central Avenue NE for three cycles, to the February 22, 2011 meeting.

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the expansion or alteration of a non-conforming use:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the findings above and **continue** the expansion or alteration of a non-conforming use to allow used automobile sales for the property located at 3650 Central Avenue NE for three cycles, to the February 22, 2011 meeting.

Recommendation of the Community Planning and Economic Development Department - Planning Division for the site plan review:

The Community Planning and Economic Development Department - Planning Division recommends that the City Planning Commission adopt the findings above and **continue** the site plan review for a new 3,920 square foot building and related site improvements at the property of 3650 Central Avenue NE for three cycles, to the February 22, 2011 meeting.

Attachments:

1. Zoning map.
2. Site plans and elevations.