

Department of Community Planning and Economic Development - Planning Division
Expansion of a Legal Nonconforming Use
BZZ-3621

Date: July 16, 2007

Applicant: Aggregate Industries

Address Of Property: 400 W. 61st Street

Project Name: Truck Wash Station

Contact Person And Phone: Ed Sorgatz, 763-201-2165

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

Date Application Deemed Complete: June 14, 2007

End of the 60 Day Review Period: August 13, 2007

Ward: 11 **Neighborhood Organizations:** Windom

Existing Zoning: I2 Medium Industrial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 36

Legal Description: Not applicable for this application.

Proposed Use: Truck Wash accessory to a concrete manufacturing facility

Concurrent Review: No other applications are required beyond the expansion of a legal nonconforming use.

Applicable zoning code provisions: Chapter 531, Nonconforming Uses and Structures; Section 531.50
Expansion or alteration of nonconforming uses and structures.

Background:

Aggregates Industries is a ready-mix concrete company that had been operating at the same location at 400 W. 61st Street since 1953. Although it changed ownership a few times, the line of business started as a concrete block making plant, then the new owner built and operated a ready-mix concrete in the 1970s. The applicant acquired the property in 1997 and continued the same operations.

Concrete manufacturing facilities are first allowed in the I3 District, where a conditional use permit is required. The subject property is located in an I2 District, therefore, the proposed addition requires an expansion of a non-conforming use. The applicant is proposing to build a truck wash (18' x 16') addition that will be attached to an existing concrete loading facility. Trucks loaded with concrete will have clumps of wet concrete sticking on the drum that fall from the truck as it moves about on its delivery route. The truck wash station will wash these trucks before they get to city streets. It will include a trench drain where water and the concrete residue are returned to the settling basins for treatment.

The second proposal is to reconstruct and repair the existing settling basins to ensure structural integrity and the required volume. Volume reduces over time due to accumulated concrete residues. The reconstruction will not increase its current area nor change its capacity. Therefore, this proposal will not require any land use application. Returning trucks are washed of its excess concrete. The water and concrete generated from the washing operation is channeled into a series of three settling basins. As water moves from basin to basin, the solids settle out of water leaving clear water to be discharged from the third basin for reuse within the plant.

The site is over 90% impervious, but the applicant will provide some landscaping materials along 61st Street. Planning Staff has determined that the use is not considered as transportation use, thus, will not require a full site plan review. Parking spaces will remain at 41 spaces available for employees and visitors.

At the time of writing this staff report, no comments were received from the neighborhood association. Staff will forward comments, if any are received, at the City Planning Commission meeting.

Findings As Required By The Minneapolis Zoning Code:

The Community Planning and Economic Development Planning Division has analyzed the application and makes the following findings:

The Planning Commission may approve a proposed expansion in use if the use meets the following standards as specified in section 531.50 of the Zoning Code:

1. A rezoning of the property would be inappropriate.

It would be inappropriate to rezone the property at 400 W. 61st Street where its surrounding land uses are currently all industrial. Concrete and rock crushing facilities are first allowed in the I3 District with conditional use permit.

2. The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The proposed expansion of 288 square feet has no impact to its current land use intensity. It will not increase the production capacity of the plant it is operating currently. The truck wash addition is to remove excess cement on delivery trucks and ensure concrete residues do not fall off on city streets as they move about its delivery routes.

- 3. The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse off-site impacts such as traffic, noise, dust, odors and parking congestion.**

The proposed addition will have no impact on traffic, odor or parking congestion. There is a possible noise issue from the wash machine; however, because it is located at approximately 140 feet from the public right-of-way, the noise created may not be significant.

- 4. The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

The proposed addition will not necessarily improve the appearance or stability of the neighborhood, but it will ensure that trucks will be clean before they use city streets. To improve the appearance, the applicant will plant a total of four canopy trees and a total of 74 shrubs along 61st Street. Existing parking in front of the facility will remain unchanged. Locations where landscaping is not feasible, a decorative fence is recommended.

- 5. In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units or rooming units on the subject property than is allowed by the regulations of the district in which the property is located.**

There are no residential dwellings allowed in industrial districts. No residential uses are located immediately adjacent to the facility. R5 and R1 uses are located one district away from the subject property.

- 6. The enlargement, expansion, relocation, structural alteration or intensification will not be located in the floodway district.**

The subject property is not in a flood plain area.

Recommendation of the Community Planning and Economic Development Department – Planning Division for the expansion of a legal nonconforming use:

The Community Planning and Economic Development Planning Division recommends that the City Planning Commission adopt the above findings and approve the application for an expansion of a nonconforming use to construct an 18' x 16' truck wash station to an existing concrete loading facility located in an I2 District at 400 W. 61st Street subject to the following conditions:

1. CPED Planning staff review and approval of the final site and landscaping plans.
2. All site improvements shall be completed by July 16, 2008, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. Not less than 4 trees and 74 shrubs shall be planted along 61st Street. Areas where landscaping is not feasible shall have decorative fence as required by Section 530.160 of the zoning code.

Attachments:

- 1) Statement from the applicant
- 2) Zoning map
- 3) Floor plans
- 4) Photos