

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5144

Date: May 23, 2011

Applicant: Gacal Auto Body

Address of Property: 2410 North 2nd Street

Project Name: Gacal Auto Body

Contact Person and Phone: Jeff McElmury, (612) 309-1234

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: April 28, 2011

End of 60-Day Decision Period: June 27, 2011

Ward: 3

Neighborhood Organization: Hawthorne Neighborhood Association

Existing Zoning: I2 Medium Industrial District and MR Mississippi River Critical Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 8

Legal Description: Not applicable for this application

Proposed Use: Major automobile repair

Concurrent Review: **Conditional use permit** to allow major automobile repair.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits.

Background: Gacal Auto Body is proposing to establish a major automobile repair use at the property of 2410 2nd Street North. A large multi-tenant building occupies most of the property. The proposed use would occupy a tenant space currently occupied by a minor automobile repair use. In the I2 district, major automobile repair is a conditional use. Upon approval of the conditional use permit (CUP), the action must be recorded with Hennepin County as required by state law. Site plan review is also required for automobiles services uses unless the property has received site plan approval and is in full compliance with such approval and the establishment of the use does not alter the approved plan. For the existing minor automobile repair use, the City Planning Commission in 2006 approved a CUP,

variances to reduce the minimum drive aisle width from 22 feet to 19 feet for seven enclosed parking stalls and from 22 feet to 0 feet for two enclosed parking stalls, and a site plan review. The approvals are attached for reference. The site is in compliance with the previous site plan review approval according to the Zoning Office and no changes are proposed that would alter the approved plan. Therefore, the approvals for the variances and site plan review remain in effect for the proposed use.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

CONDITIONAL USE PERMIT

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 site is located in a predominantly industrial area. A minor automobile repair use with three service bays is located in the tenant space where the proposed use will be located. It has occupied the space for over four years. Staff is not aware of any problems with the existing use. The proposed use will have three service bays and a paint booth. Paint booths are required to be equipped with exhaust filters capable of collecting paint, dust and other particles to minimize air pollution. The establishment of a major automobile repair use with a paint booth should not prove detrimental to public health, safety, comfort or general welfare provided the use 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.

All uses adjacent to the property are nonresidential uses and mostly industrial in nature. A residential development is located approximately 200 feet east of the site and would be over 450 feet from the proposed use. It is also separated from the subject site by a railroad corridor and an industrial property. The applicant has indicated that vehicles requiring repair and disassembled vehicles would be kept inside the building. The proposed use should have little effect on surrounding properties.

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

Utilities and access roads are existing and adequate. Although curb cuts exist along 2nd Street North, vehicle access occurs from 24th Avenue North. Twenty-fourth Avenue remains unimproved and dead ends at the railroad corridor to the east of the site. A drainage plan has been reviewed by Public Works.

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

The minimum parking requirement for major automobile repair is one space per 500 square feet of gross floor area excluding service bays plus two spaces per service bay. Four service bays (including the paint booth) and approximately 1,500 square feet of gross floor area are proposed. Therefore the minimum requirement is 11 spaces. Eight parking spaces would be located within the tenant space and three parking spaces would also be provided in front of the building along 24th Avenue. All surface parking would be parallel to the street to prevent maneuvering in the right-of-way. The use should have little effect on traffic in the area.

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

The future land use of the site is designated as industrial by *The Minneapolis Plan for Sustainable Growth*. The site is located within the Upper River industrial employment district. According to the principles and policies outlined in the plan, the following apply to this proposal:

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

Applicable Implementation Step

1.14.3 Restrict the development and expansion of nonindustrial uses within designated Industrial Employment Districts, limiting non-industrial uses to the types of uses and locations designated in the *Industrial Land Use and Employment Plan*.

The *Industrial Land Use Study and Employment Policy Plan* (adopted by the City Council in 2006) does not identify major automobile repair as one of the non-industrial uses that should be restricted in designated industrial employment districts.

The site is also located in an area covered by the *Above the Falls: A Master Plan for the Upper River in Minneapolis*. The plan was completed in 1999 and is a 30-year long range plan. It recommends light industrial/business park uses for future use of the site.

Staff comment: The use would be located in a large multi-tenant building with a mix of light industrial and commercial uses. The proposed use would be consistent with these policies of the comprehensive plan.

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.

The proposed use must comply with the following specific development standards found in section 536.20:

Automobile repair, major.

(1) All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and

CPED Planning Division Report
BZZ - 5144

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. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) 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.
- (6) 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.
- (7) In the I1, Light Industrial District, the use shall be located at least three hundred (300) feet from a residence or office residence district.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

Although requested by staff, the applicant has not confirmed in writing that the use will comply with these standards.

For this tenant space, a 12 square foot wall sign and a 4 square foot space on a freestanding sign exist. The applicant has indicated that no new signage is proposed. Any new signage or refacing of the existing signs will require Zoning Office review, approval, and permits.

With the approval of the conditional use permit, the use would comply with the applicable regulations of the district.

RECOMMENDATION

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 major automobile repair use located at the property of 2410 2nd Street North, 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 use shall comply with the development standards for major automobile repair as required by section 536.20 of the zoning code.

Attachments:

1. Previous land use approvals
2. Applicant statement of use and findings
3. Zoning map
4. Plans
5. Photos