

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ – 4002

Date: May 12, 2008

Applicant: Debbie Allen

Address of Property: 2910 University Avenue Southeast

Project Name: Gopher Cleaners

Contact Person and Phone: DiAnna Olsen, (612) 269-6895

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

Date Application Deemed Complete: April 16, 2008

End of 60-Day Decision Period: June 15, 2008

Ward: 2 **Neighborhood Organization:** Prospect Park East River Road Improvement Association

Existing Zoning: C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 22

Legal Description: Not applicable for this application

Proposed Use: Dry cleaning establishment.

Concurrent Review: Conditional use permit to allow a dry cleaning establishment.

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

Background: The applicant proposes a dry cleaning establishment at the property of 2910 University Avenue Southeast. A 5-story, mixed use building exists on the site. On January 22, 2007, the Planning Commission approved two conditional use permits and a site plan to allow the mixed use development. The upper four floors are occupied by dwelling units. A non-residential tenant space, approximately 2,600 square feet in area, is located on the first floor adjacent to the University Avenue SE and Arthur Street intersection. The dry cleaning establishment would occupy the entire tenant space. The public entrance would front University Avenue. Nine surface parking spaces available for the use behind the building.

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A dry cleaning establishment requires a conditional use permit in the C2 district. If the conditional use permit is approved, the action must be recorded with Hennepin County as required by state law.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward additional 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.**

A dry cleaning establishment should not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances. The applicant has indicated that the ventilation systems will meet all federal, local, and manufacturer 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.**

The dry cleaning establishment would be located in an existing building. The applicant has indicated that the proposed equipment would not have any ventilation issues. The nearest residences not located on the site would be separated from the use by a parking area and an alley. The proposed use should have little effect on residences in the building and 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.

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

The parking requirement for the dry cleaning establishment is 3 spaces. Nine surface parking spaces available for the use behind the building. Short-term parking is allowed on University Avenue. The applicant has also indicated that they are pursuing short-term parking on Arthur Street. On-street parking does not count towards meeting the minimum parking requirement because use of on-street parking is not limited to use by one property. Two bike parking spaces are required by the PO overlay district and must be provided.

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

The site is adjacent to University Avenue, which is designated as a community corridor by *The Minneapolis Plan*. According to the principles and polices outlined in the plan, the following apply to this proposal:

4.2 Minneapolis will coordinate land use and transportation planning on designated Community Corridors streets 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.

Applicable Implementation Step

Support the continued presence of small-scale retail sales and commercial services along Community Corridors.

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

The *University Avenue Southeast / 29th Street Southeast Transit Corridor Design Objectives and Guidelines* were approved by the City Council on February 9, 2007. The proposed use would be within ½-block of a proposed LRT station. The following objective pertains to this project include:

- Create a mix of land uses that will generate increased transit ridership in terms of both volume and pattern; concentrate convenience retail and service uses to support transit riders.

Staff comment: The proposed use would be a small-scale, convenience use for the neighborhood and for future transit riders. The applicant has indicated that the proposed equipment would not have any ventilation issues. As long as the use complies with all federal and local regulations, it should have little effect on surrounding residences. 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.

A dry cleaning establishment is subject to the following development standard:

Dry cleaning establishment. 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.

The applicant has indicated that the proposed equipment would not have any ventilation issues.

The site is located in a PO overlay district for a transit station area. In a transit station area PO overlay district, each nonresidential use is required to provide a minimum of two bicycle parking spaces or one space for each ten accessory automobile parking spaces, whichever is greater. Less than ten vehicle spaces are proposed, therefore two bicycle parking spaces are required. At least two bicycle spaces must be provided.

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The site plan review that was approved by the Planning Commission required windows on 30 percent of the exterior walls of the non-residential tenant space. The site plan review also requires the following for nonresidential uses:

530.120(b)(2)(e) First floor or ground floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the building in the area between four (4) and seven (7) feet above the adjacent grade. However, window area in excess of the minimum required area shall not be required to allow views into and out of the building.

The floor plan shows that two machines would be located next to windows adjacent to the surface parking area. The amount of approved window area on each side of the tenant space exceeds the minimum window requirement, therefore some window area may be obstructed.

The applicant is proposing two wall signs. Each would be 20 square feet in area and located not more than 15 feet above grade. The signs would comply with the size and height requirements of the C2 district. The signage will require Zoning Office review, approval, and permits.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Conditional Use Permit:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow a dry cleaning establishment located at the property of 2910 University Avenue Southeast, subject to the following condition:

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. Two bicycle parking spaces shall be provided for the use as required by section 551.175 of the zoning code.
3. Required first floor windows shall allow views into and out of the building at eye level. Shelving, mechanical equipment or other similar fixtures shall not block views into and out of the required windows in the area between 4 and 7 feet above the adjacent grade as required by section 530.120 of the zoning code.

Attachments:

1. Statement of use and findings
2. Correspondence
3. Zoning map
4. Plans
5. Photos