

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4332

Date: April 6, 2009

Applicant: Midwest Accessibility Products Plus

Address of Property: 4206 Cedar Avenue South

Project Name: Midwest Accessibility Products Plus

Contact Person and Phone: Michael Rehmann, (612) 229-8690

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: March 2, 2009

End of 60-Day Decision Period: May 1, 2009

End of 120-Day Decision Period: Not applicable for this development

Ward: 8 **Neighborhood Organization:** Field-Regina-Northrop Neighborhood Group

Existing Zoning: C1, Neighborhood Commercial District

Proposed Zoning: Not applicable for this development

Zoning Plate Number: 32

Legal Description (properties to be rezoned): Not applicable for this development

Proposed Use: Limited production and processing use

Concurrent Review:

Conditional use permit: for a limited production and processing use in the C1 zoning district - furniture and cabinet making

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

Background: The applicant has leased the first floor and basement level of the building located at 4206 Cedar Avenue South since June of 2005. The second floor of the building is occupied by a dentist's office. The applicant uses his space as a design studio for manufacturing prototype cabinets and furniture for persons with disabilities. The use is classified as a limited production and processing use which requires a conditional use permit.

As mentioned above the applicant has occupied the building since June of 2005. In November of 2008 the property owner was cited for having an unenclosed dumpster. As part of that inspection the applicant was told that a conditional use permit was needed for operating a limited production and processing use in the building.

CONDITIONAL USE PERMIT – for a limited production and processing use in the C1 zoning district
- furniture and cabinet making

Findings as Required by the Minneapolis Zoning Code:

The Department of Community Planning and Economic Development – Planning Division 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.

The Planning Division does not believe that a limited production and processing use that manufactures furniture and cabinets would be detrimental to or endanger the public health, safety, comfort or general welfare of the surrounding area. The applicant has indicated that all safety precautions have been taken in that all flammable materials are stored in approved storage cabinets and that the space is outfitted with a dust vacuum collection and filtering system.

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 Planning Division does not believe that a limited production and processing use that manufactures furniture and cabinets would be injurious to the use and enjoyment of other property in the vicinity or impede the normal or orderly development and improvement of surrounding property. The applicant occupies the street level portion of a storefront building. The portion of the use that can be seen from the public street and sidewalk is used as a showroom area.

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

The applicant will be working closely with the Plan Review Section of the Inspections Department and the various utility companies during the duration of the development to ensure that all procedures are followed in order to comply with city and other applicable requirements.

As for vehicular access, there is an off-street parking area located towards the rear of the site that is accessed from the public alley.

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

The parking requirement for a limited production and processing use is one space per 300 square feet of gross floor area up to 4,000 square feet, but not to exceed 4 spaces. The applicant's lease spaces is less than 4,000 square feet so the parking requirement is 4 spaces. The dental office on the second floor also has a parking requirement of 4 spaces. The total parking requirement for the building is 8 spaces.

There is an off-street parking area located towards the rear of the site that is accessed from the public alley which can accommodate two vehicles. Although the building's parking requirement cannot be met on site the building has grandfathered parking rights.

A limited production and processing use has a bicycle parking requirement of two spaces or one space per 20,000 square feet of gross floor area, which is greater. Given the size of the use the bicycle parking requirement is two spaces. The Planning Division is recommending that the applicant install a bicycle rack that can accommodate two bicycles in the area between the front of the building and the front property line.

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

The site is located along Cedar Avenue South which is a designated Community Corridor. The intersection of Cedar Avenue South and East 42nd Street is a designated Neighborhood Commercial Node. The land use features in the update to *The Minneapolis Plan* are the same. According to the principles and polices outlined in *The Minneapolis Plan*, the following apply to this proposal:

- Encourage reinvestment along major urban corridors as a way of promoting growth in all neighborhoods (Policy 4.1).
- Coordinate land use and transportation planning on designated Community Corridors 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 (Policy 4.2).
- Ensure that commercial uses do not negatively impact nearby residential uses (Implementation Step for Policy 4.2).
- Identify Neighborhood Commercial Nodes that provide a shopping environment of small-scale retail sales and commercial services and are compatible with adjacent residential areas (Policy 4.5).
- Support the continued presence of small-scale retail sales and commercial services in Neighborhood Commercial Nodes (Implementation Step for Policy 4.5).
- Restrict auto-oriented, industrial or manufacturing activities that generate significant vehicular traffic, noise or air-borne impacts on residential neighbors (Implementation Step for Policy 4.5).

The Planning Division believes that using the space for a limited production and processing use that manufactures furniture and cabinets is in conformance with the above policies of *The Minneapolis Plan*. Although the business does not generate a lot of foot traffic there is a showroom in the building that, once fully operational, will draw people to the site.

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

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- **Use:** Limited production and processing uses are a conditional use in the C1 zoning district.
- **Off-Street Parking and Loading:** The parking requirement for a limited production and processing use is one space per 300 square feet of gross floor area up to 4,000 square feet, but not to exceed 4 spaces. The applicant's lease spaces is less than 4,000 square feet so the parking requirement is 4 spaces. The dental office on the second floor also has a parking requirement of 4 spaces. The total parking requirement for the building is 8 spaces. There is an off-street parking area located towards the rear of the site that is accessed from the public alley which can accommodate two vehicles. Although the building's parking requirement cannot be met on site the building has grandfathered parking rights. Please note that parking areas of less than four spaces are not subject to the landscaping and screening requirements of the zoning code.

The applicant does have a forklift stored towards the back of the site. The applicant has indicated that it will be stored in an enclosure that will be screened from the public alley.

- **Maximum Floor Area:** No changes are proposed to the size of the building.
- **Building Height:** No changes are proposed to the height of the building.
- **Minimum Lot Area:** No changes are proposed to the size of the lot.
- **Yard Requirements:** No changes are proposed to setbacks.
- **Maximum lot coverage:** No changes are proposed to the size of the building.
- **Maximum impervious surface:** No changes are proposed to the amount of impervious surface on the site.
- **Specific Development Standards:** Limited production and processing uses are not subject to specific development standards.
- **Hours of Operation:** The hours of operation for the C1 District are Sunday through Thursday, 6 am to 10 pm, and Friday and Saturday, 6 am to 11 pm. The applicant has indicated that the production and processing of furniture and cabinets takes place Monday through Saturday 9 am until 6:30 pm and that other tasks are sometimes performed Monday through Sunday until 9 pm.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the C1 zoning district one can have one-and-a-half square feet of signage for every one foot of primary building wall. However, if there is a freestanding sign on the zoning lot then there can only be one square foot of signage for every one foot of primary building wall. Wall signs are limited to 45 square feet in size. Projecting signs are limited to 12 square feet in size. The height limitation for both wall signs and projecting signs is 14 feet and neither are permitted to extend above the roofline of the building. Freestanding signs are limited to 54 square feet and can be no taller than 20 feet. The zoning code also limits the number of freestanding signs on a zoning lot to one.

The applicant has not proposed any signs at this time.

- **Refuse storage:** The refuse storage container is located towards the back of the site. The applicant has indicated that it will be stored in an enclosure that will be screened from the public alley.
- **Lighting:** Lighting exists at the site.

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 above findings and **approve** the conditional use permit application for a limited production and processing use (furniture and cabinet making) in the C1 zoning district located at 4206 Cedar Avenue South 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 applicant install a bicycle rack that can accommodate two bicycles in the area between the front of the building and the front property line as required by Section 541.180 of the zoning code.
3. The forklift shall be screened from the public alley with an enclosure.
4. The refuse storage container shall be screened from the public alley with an enclosure as required by Section 535.80 of the zoning code.

Attachments:

1. Statement of proposed use and description of the project
2. Conditional use permit findings

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3. Copy of letters sent to Council Member Glidden, the Field-Regina-Northrop Neighborhood Group, The Standish Ericsson Neighborhood Association and the Bancroft Neighborhood Organization
4. Letter from Edward Farsht, D.D.S. who leases the second floor of the building
5. Zoning Map
6. Site plan and floor plans
7. Photos of the site