

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5249

Date: August 29, 2011

Applicant: Keith Bogren and William Jaskulke

Addresses of Property: 4135 Hiawatha Avenue

Project Name: Spark and Bill Auto Electric and Repair

Contact Person and Phone: William Jaskulke, (612) 386-7915

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

Date Application Deemed Complete: July 26, 2011

End of 60-Day Decision Period: September 24, 2011

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

Ward: 12 **Neighborhood Organization:** Longfellow Community Council and Standish Ericsson

Existing Zoning: I1, Light Industrial District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 33

Legal Description: Lots 10, 11, 12, 13 and 14, Block 40, Palmer's Addition to Minneapolis.

Proposed Use: Minor-automobile repair facility

Concurrent Review:

Conditional use permit: for a minor-automobile repair facility.

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

Background: The applicants are proposing to open up a minor automobile repair facility in a portion of the building located at 4135 Hiawatha Avenue. The proposed use will occupy approximately 2,000 square feet of the building towards the south end of the property. The remainder of the building is currently vacant. The owners of the property are in the process of trying to lease the remaining space within the building to other tenants.

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The site went through the site plan review process in January of 2003. The site was deemed to be in compliance with the conditions of approval from the City Planning Commission in December of 2003. Since this time much of the landscaping has either died or has been removed and the trash dumpsters are no longer enclosed. As part of this application the Planning Division is recommending that the City Planning Commission require additional landscaping on the site so it meets the requirements of Section 530.170 of the zoning code.

Parking lots of more than four parking spaces are subject to the landscaping, screening and curbing requirements of Chapter 530, Site Plan Review.

- The zoning code requires that a seven-foot wide landscaped yard be provided along a public street, sidewalk or pathway when adjacent to a parking lot or a loading area. There is a 19-foot wide green space located between the public street/sidewalk and the parking lot on the site.
- Screening three feet in height and equal to 60 percent opacity is required around parking lots and loading areas in order to screen them from a public street, sidewalk or pathway. The green space area located between the public street/sidewalk and the parking lot along Hiawatha Avenue is void of any landscape materials except for one ornamental tree. The Planning Division is recommending that additional landscape materials be added to the green space area along Hiawatha Avenue in order to bring this area into conformance with the screening requirements.
- Not less than one tree shall be provided for each 25 linear feet, or fraction thereof, of parking or loading area lot frontage. There is 131 feet of parking lot frontage along Hiawatha Avenue. This amount of parking lot frontage would require that five trees be planted in the green space area along Hiawatha Avenue. There is currently one ornamental tree located in the green space area along Hiawatha Avenue. The Planning Division is recommending that four additional ornamental trees be planted in the green space area along Hiawatha Avenue.
- In parking lots of 10 spaces or more, no parking space shall be located more than 50 feet from an on-site deciduous tree. There are two on-site deciduous trees located on the property. Given the placement of these trees only the southern most row of parking spaces meet this requirement. Once the four ornamental trees are planted in the green space area along Hiawatha Avenue the majority of the parking spaces will meet this requirement. However, the parking spaces located in the northeast portion of the site will not. The Planning Division is recommending that a landscaped island with a deciduous tree planted in it be located in the parking lot so that every parking space is located within 50 feet of an on-site deciduous tree. In addition, tree islands in parking lots must have a minimum width of 7 feet in any direction. There are no tree islands currently located within the parking lot.

CONDITIONAL USE PERMIT: for a minor-automobile repair facility

Findings as Required by the Minneapolis Zoning Code:

The Community Planning and Economic Development Department – Planning Division has analyzed the application and from the findings above concludes that:

- 1. The establishment, maintenance, or operation of the conditional use will not be detrimental to or endanger the public health, safety, comfort or general welfare.**

The Planning Division does not believe that locating a minor-automobile repair facility in the building located at 4135 Hiawatha Avenue will be detrimental to or endanger the public health, safety, comfort or general welfare. There are a variety of uses located within the surrounding area. Uses include a fast-food restaurant with a drive-thru facility, a self-service car wash, an auto-repair garage, a self-service storage facility, residential uses of varying densities and the Hiawatha Light Rail line.

2. The conditional use 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 locating a minor-automobile repair facility in the building located at 4135 Hiawatha Avenue will 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 proposed minor-automobile repair facility will occupy a small portion of the existing building. The applicants are not proposing to make any modifications to the building except to add a sign near their entrance. The Planning Division is recommending that landscaping and screening be added to the site, as required by Sections 530.170 and 531.110 of the zoning code. These improvements will help to mitigate any impacts of the proposed use.

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

There will be no impacts made on the utilities, roads or drainage.

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

The minimum parking requirement for a minor-automobile repair facility is one space per 500 square feet of gross floor area excluding service bays plus two spaces per service bay. The size of the space that the applicants are proposing to occupy is 2,000 square feet. Of the 2,000 square feet 480 square feet is occupied by two service bays. Given these numbers the parking requirement is seven spaces. The applicants are able to use the eight parking spaces located on the southern end of the site for their business.

5. The conditional use is consistent with the applicable policies of the comprehensive plan.

This site is located on Hiawatha Avenue between 41st Street East and 42nd Street East. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Transitional Industrial. According to *The Minneapolis Plan for Sustainable Growth* areas that are designated as transitional industrial are areas that are located outside of the Industrial Employment Districts that may eventually evolve to other uses compatible with surrounding development. Properties that are designated as transitional industrial may remain industrial for some time but will not have the same level of policy protection as areas within industrial districts.

According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Reduce the visual impact of automobile parking facilities (Urban Design Policy 10.18).
- Parking lots should maintain the existing street face in developed areas and establish them in undeveloped areas through the use of fencing, walls, landscaping or a combination thereof along property lines (Implementation Step 10.18.2).

The Minneapolis City Council adopted the *38th Street Station Area Plan* in October of 2006. The site is located in an area called Hiawatha South in the plan. The plan specifically says that buildings fronting along Hiawatha Avenue just south of 40th Street may have continuing value for light industrial or conversion to office or residential.

The Planning Division believes that locating a minor-automobile repair facility in the building located at 4135 Hiawatha Avenue is in conformance with the prescribed guidance provided in both *The Minneapolis Plan for Sustainable Growth* and the *38th Street Station Area Plan* for this particular site.

6. The conditional use shall, in all other respects, conform to the applicable regulations of the district in which it is located.

- **Use:** Minor-automobile repair facilities are a conditional use in the I1 zoning district.

- **Off-Street Parking and Loading:**

Minimum automobile parking requirement: The minimum parking requirement for a minor-automobile repair facility is one space per 500 square feet of gross floor area excluding service bays plus two spaces per service bay. The size of the space that the applicants are proposing to occupy is 2,000 square feet. Of the 2,000 square feet 480 square feet is occupied by two service bays. Given these numbers the minimum parking requirement is seven spaces. The applicants are able to use the eight parking spaces located on the southern end of the site for their business.

Maximum automobile parking requirement: The maximum parking requirement for a minor-automobile repair facility is one space per 200 square feet of gross floor area plus two spaces per service bay. The size of the space that the applicants are proposing to occupy is 2,000 square feet. Within the building there will be two service bays. Given these numbers the maximum parking requirement is 14 spaces. The applicants are able to use the eight parking spaces located on the southern end of the site for their business.

Bicycle parking requirement: Minor-automobile repair facilities do not have a bicycle parking requirement.

Loading: There is no loading requirement for a minor-automobile repair facility that is smaller than 10,000 square feet. However, for uses that do not meet the minimum size requirement for loading requirement purposes they shall provide an adequate shipping and receiving facility that is accessible by motor vehicle and located off of an adjacent alley, service drive or open space on the same zoning lot. There is adequate room within the parking area for delivery trucks.

- **Maximum Floor Area:** No changes are proposed to the size of the building.

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- **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:** Automobile repair facilities are subject to specific development standards:

Automobile repair, minor.

- All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
 - Except in the I3 District, all repairs shall be performed within a completely enclosed building.
 - All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
 - The sale of vehicles shall be prohibited.
 - In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
 - 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.
 - 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.
 - Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.
- **Signs:** Signs are subject to the requirements of Chapter 543, On-premise Signs. In the I1 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 180 square feet in size. Projecting signs are limited to 20 square feet in size. The height limitation for both wall signs and projecting signs is 28 feet. Freestanding signs are limited to 80 square feet and can be no taller than eight feet. The zoning code also limits the number of freestanding signs on a zoning lot to one. There is an existing pole sign on the site. The applicants are not proposing to have any signage on the pole sign but they are proposing to install a 16 square foot wall sign near their building entrance. The applicants have indicated that the sign would be located a maximum of 16 feet above grade.

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- **Refuse storage:** The refuse containers are currently located in the southwest corner of the parking lot. To meet the requirements of the zoning code the refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses. The Planning Division is recommending that the refuse and recycling containers be enclosed per these standards.
- **Lighting:** Lighting exists at the site.

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 findings above and **approve** the conditional use permit for a minor-automobile repair facility located at 4135 Hiawatha Avenue 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. Approval of the final site and landscaping plans by the Department of Community Planning and Economic Development – Planning Division.
3. All site improvements shall be completed by August 29, 2012, unless extended by the Zoning Administrator, or the permit may be revoked for non-compliance.
4. Additional landscape materials shall be added to the green space area along Hiawatha Avenue in order to bring this area into conformance with the screening requirements of Section 530.170 of the zoning code.
5. Four additional ornamental trees shall be planted in the green space area along Hiawatha Avenue.
6. A landscaped island with a deciduous tree planted in it shall be located in the parking lot so that every parking space is located within 50 feet of an on-site deciduous tree.
7. The refuse and recycling containers shall be enclosed on all four sides by screening compatible with the principal structure not less than two feet higher than the refuse container or shall be otherwise effectively screened from the street, adjacent residential uses located in a residence or office residence district and adjacent permitted or conditional residential uses as required by section 535.80 of the zoning code.

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Attachments:

1. Statement of proposed use and description of project
2. Conditional use permit findings
3. July 18, 2011, emails to Council Member Colvin Roy, Longfellow Council and Standish Ericsson
4. Zoning map
5. Site and building information
6. Photos of the site and surrounding area