

**Department of Community Planning and Economic Development – Planning  
Division  
Conditional Use Permit  
BZZ-4740**

**Date:** April 12, 2010

**Applicant:** Metro Dogs, LLC, Attn: Amy Rosenthal, 401 South 1<sup>st</sup> Street #602, Minneapolis, MN 55401, (612)719-5777

**Addresses of Property:** 701 2<sup>nd</sup> Street North

**Project Name:** Metro Dogs

**Contact Person and Phone:** Metro Dogs, LLC, Attn: Amy Rosenthal, 401 South 1<sup>st</sup> Street #602, Minneapolis, MN 55401, (612)719-5777

**Planning Staff and Phone:** Becca Farrar, (612)673-3594

**Date Application Deemed Complete:** March 11, 2010

**End of 60-Day Decision Period:** May 9, 2010

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

**Ward:** 7      **Neighborhood Organization:** North Loop Neighborhood Association

**Existing Zoning:** I2 (Medium Industrial) District, IL (Industrial Living) Overlay District, DP (Downtown Parking) Overlay District

**Proposed Zoning:** Not applicable for this application

**Zoning Plate Number:** 13

**Lot area:** 42,869 square feet or approximately .98 acres

**Legal Description:** Not applicable for this application

**Proposed Use:** Animal Shelter (doggie daycare facility)

**Concurrent Review:**

- Conditional Use Permit to allow an animal shelter (doggie daycare facility) within the existing building located on the premises.
- Conditional Use Permit to allow an extension of hours until 12:00 a.m. daily. Typically, the hours of operation allowed in the in the I2 (Medium Industrial) district are 6:00 a.m. to 10:00 p.m., Sunday thru Thursday and 6:00 a.m. to 11:00 p.m., Friday and Saturday. *Application has been withdrawn*

- Variance to allow signage on a non-primary building wall. *Application has been returned.*
- Variance to increase the allowed sign area from zero to 20 square feet for signage on a non-primary building wall. *Application has been returned.*

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

**Background:** The applicant proposes to establish an animal shelter (doggie daycare facility) within an existing warehouse building located on the property at 701 2<sup>nd</sup> Street North. The property is zoned I2 and is located in the IL and DP Overlay Districts. The IL Overlay District was established to encourage the rehabilitation and reuse of existing industrial structures and to provide for limited residential and retail uses in the I1 and I2 Industrial Districts where such uses are compatible with other uses in the area. The DP Overlay District was established to preserve significant and useful buildings and to protect the unique character of the downtown area and the mixed-use downtown neighborhoods by restricting the establishment or expansion of surface parking lots and establishing certain minimum and maximum off-street parking standards in the downtown area.

The use requires a conditional use permit in the I2 district. Animal shelters are subject to specific development standards which require that all activity be located within a completely enclosed building with soundproofing and odor control. Outdoor kennels are prohibited. The applicant originally applied for a conditional use permit to extend the hours of operation for the facility; that application has since been withdrawn. Two additional variances for signage were returned to the applicant once they were deemed unnecessary. The applicant does not propose to make significant exterior alterations to the structure other than incorporating some new doorways, a decorative awning, outdoor trash enclosure and two fenced outdoor dog runs for brief excrement breaks. The interior would be remodeled to accommodate the doggie daycare. The doggie daycare would utilize an approximate 9,929 square foot space within the building. The remaining 4,179 square feet would continue to be utilized for warehousing.

The subject site is part of the Tower Lofts Planned Unit Development (PUD) which was approved in 2004. The warehouse at 700 Washington Avenue North was converted into 143 residential units and both that lot and the lot to the north (701 2<sup>nd</sup> Street North) were included in the approved planned unit development. The project was proposed to be completed in two phases. Phase I was the 700 Washington Avenue North building. Phase II was to be the property located to the north at 701 2<sup>nd</sup> Street which contains the subject warehouse building. While the PUD acknowledged that the future use could be residential, the Phase II plans were never finalized. Staff has made the determination that an amendment to the approved Planned Unit Development is not necessary in order to allow a different use within the existing industrial warehouse building.

Staff has received official correspondence from the North Loop Neighborhood Association which supports the conditional use permit application for the doggie daycare. Staff has also received neighborhood correspondence which as been attached for

reference. Any additional correspondence received prior to the meeting shall be forwarded on to the Planning Commission for consideration.

**CONDITIONAL USE PERMIT** – to allow an animal shelter (doggie daycare)

**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 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.**

Much of the existing warehouse is currently vacant. Allowing an animal shelter (doggie daycare facility) would not be expected to have negative impacts on the surrounding area and would likely not be detrimental or endanger the public health, safety comfort or general welfare provided noise and odor issues are well handled. Other than an outdoor dog run that would be utilized only for brief bathroom breaks, the proposed business would take place within a completely enclosed building. Industrial and commercial zoning classifications surround the site and all of the industrial zoned parcels within the vicinity also have an IL (Industrial Living) Overlay District applied to the parcels as well. A mix of residential, commercial and industrial uses is located within the general area; there are residential developments that directly abut the subject site including Tower Lofts, Soho Lofts and other apartments. The Tower Lofts building is approximately 75 feet from the subject site, Soho Lofts is approximately 85 feet from the subject site, and the residential apartment building to the south is approximately 160 feet from the subject site. The applicant has worked with a general contractor to ensure that noise and odor will not impact the adjacent residents; a letter has been provided by said general contractor which has been attached for reference. Additionally, the applicant hired a sound engineer that conducted a sound test to further ensure that noise will not be a factor. The applicant has also included a policies and protocols document which further addresses noise and odor related issues. This document has also been attached for reference.

**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 surrounding area is fully developed. The applicant is proposing some minor exterior modifications to the existing structure as part of the development proposal including incorporating some new doorways, a decorative awning, outdoor trash enclosure and two fenced outdoor dog runs for brief excrement breaks. The reuse of the existing structure provided the applicant ensures that noise and odor will not be factors for surroundings residents would be appropriate given the context of the area and would not be expected to

negatively impact the adjacent uses within the immediate vicinity or impede the normal or orderly development and improvement of surrounding property in the district. The Tower Lofts building is approximately 75 feet from the subject site, Soho Lofts is approximately 85 feet from the subject site, and the residential apartment building to the south is approximately 160 feet from the subject site. As previously mentioned, the applicant has worked with a general contractor on noise and odor mitigation, as well as conducted a sound test to ensure that noise emanating from the building will not impact adjacent residential uses. A policies and protocols document which was prepared by the applicant and is attached for reference, further addresses these issues in detail. Planning Staff would also recommend that the outdoor dog runs be screened with the privacy fence as proposed by the applicant as a condition of approval.

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

The utilities, access roads, and drainage are existing and adequate.

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

The property owner has allocated 16 parking stalls to the proposed doggie daycare facility. Animal shelters require 1 space per 500 square feet of gross floor area in excess of 4,000 square feet. A total of 12 off-street parking spaces would be required for the proposed use. Planning Staff would not expect the proposed use to result in a significant increase in traffic.

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

*The Minneapolis Plan for Sustainable Growth*, locates this parcel within a mixed use area a couple of blocks south of the North Washington Jobs Park which is a designated Industrial Employment District. The subject site is also located along Washington Avenue North which is a designated Commercial Corridor in this location. The plan has the following relevant policy and implementation steps for the proposal:

Land Use Policy 1.1 of *The Minneapolis Plan for Sustainable Growth* states, “Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.”

Land Use Policy 1.2 of *The Minneapolis Plan for Sustainable Growth* states, “Ensure appropriate transitions between uses with different size, scale, and intensity.” This policy includes the following applicable implementation step: (1.2.3) “Lessen the negative impacts of non-residential uses on residential areas through controls on noise, odors, and hours open to the public.”

Land Use Policy 1.4 of *The Minneapolis Plan for Sustainable Growth* states, “Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.” This policy includes the following applicable implementation steps: (1.4.1) “Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served”; (1.4.2) “Promote standards that help make commercial districts and corridors desirable, viable, and distinctly urban, including: diversity of activity, safety for pedestrians, access to desirable goods and amenities, attractive streetscape elements, density and variety of uses to encourage walking, and architectural elements to add interest at the pedestrian level.”

Land Use Policy 1.10 of *The Minneapolis Plan for Sustainable Growth* states, “Support development along Commercial Corridors that enhances the street’s character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.” This policy includes the following applicable implementation steps: (1.10.1) “Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.”

The subject site is also within the boundary of a small area plan. The *Downtown East / North Loop Master Plan* was adopted by the City Council in October of 2003. The primary goal of the *Downtown East/North Loop Master Plan* was to develop a vision and a framework for how new growth should occur in the underdeveloped districts of Downtown Minneapolis, particularly in areas surrounding proposed rail transit stations. The subject site is located in the Warehouse West Development District. Much of the Warehouse West precinct is already built out. The plan recommends that the historic warehouse structures in this precinct be protected and preserved, with an emphasis on adaptive re-use. The plan calls for the majority of the development in this precinct to be medium intensity, mixed-use development at a scale similar to that of existing buildings. However, here are several surface parking lots and other under-developed sites that should be considered for infill development projects. Street-level retail is encouraged along the length of Washington Avenue North in order to ensure that the street is the commercial spine that serves the residents and businesses in both this precinct and in the new residential areas north of Washington Avenue.

While the current proposal does not include any on-site physical expansions or structural alterations that would result in new infill development, the proposal to adaptively reuse the structure is supported by the Comprehensive Plan and small area plan policies listed above. The City encourages future infill mixed-use development on the subject site as outlined in the above listed small area 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.**

If the conditional use permit is approved, the proposal would appear to comply with all of the applicable provisions of the I2 district. Proposed signage would need to comply with Section 543 of the Zoning Code, and a separate permit would also need to be attained.

Further, the use is subject to specific hours of operation per the I2 zone district regulations. The facility can be open to the public from 6:00 a.m. to 10:00 p.m. Sunday through Thursday and 6:00 a.m. to 11:00 p.m. Friday and Saturday. The business would meet these hours.

Chapter 536 Specific Development Standards has the following requirements for an animal shelter:

- 1) Except in the I3 District, all activity shall be within a completely enclosed building with soundproofing and odor control. Outdoor kennels shall be prohibited.

The applicant has agreed that the outdoor dog run is to be used for brief bathroom breaks only, not as an outdoor play area.

Any outdoor dumpsters serving the use must be screened as required by Section 535.80 of the Zoning Code.

The street-facing entrance to the building must be maintained along 2<sup>nd</sup> Street North as required by Section 535.95 of the Zoning Code.

### **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 findings above and **approve** the conditional use permit to allow an animal shelter (doggie daycare facility) within the existing building located on the property at 701 2<sup>nd</sup> 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. No signage is being approved as part of the land use approvals. All signage shall be subject to the applicable Chapter 543 standards. Separate permits must be attained.
3. Dogs shall not be left unattended in the outdoor dog run areas. Barking dogs shall be returned indoors immediately.

4. The outdoor dog run areas shall be screened with a privacy fence as proposed by the applicant.
5. The street-facing entrance to the building must be maintained along 2<sup>nd</sup> Street North as required by Section 535.95 of the Zoning Code.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the conditional use permit:**

The conditional use permit application for extended hours has been **withdrawn**.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The variance to allow signage on a non-primary building wall has been **returned**.

**Recommendation of the Department of Community Planning and Economic Development – Planning Division for the variance:**

The variance to increase the allowable sign area from zero to 20 square feet for signage on a non-primary building wall has been **returned**.

**Attachments:**

1. Description of project and findings, Metro Dogs policies and protocols
2. Correspondence including neighborhood letters
3. Zoning map
4. Plans
5. Photos