

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-4333

Date: April 6, 2009

Applicant: Emerge Community Development

Address of Property: 1307 Glenwood Avenue

Project Name: StreetWerks

Contact Person and Phone: Dawn Williams, (612) 363-5990

Planning Staff and Phone: Shanna Sether, (612) 673-2307

Date Application Deemed Complete: March 13, 2009

End of 60-Day Decision Period: May 12, 2009

Ward: 5 **Neighborhood Organization:** Harrison, Adjacent to Sumner-Glenwood

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

Proposed Zoning: Not applicable

Zoning Plate Number: 26

Legal Description: Metes and bounds – see attached

Proposed Use: Contractor's office

Conditional use permit: to allow for a contractor's office

Applicable zoning code provisions: Chapter 525, Article V, Conditional Use Permits and Chapter 548 Commercial Districts

Background: A previous structure on the subject property was originally constructed as a factory prior to 1900 and demolished in 1958. Two years later, an automobile convenience facility with minor automobile repair was constructed on the property and operated until 1996. The building was vacant until March of 2008, when StreetWerks, the existing tenant, moved to the site. StreetWerks is an organization that mows lawns, trims trees, shovels snow and collects debris from Minneapolis properties. The subject property was the site for the collected waste storage and removal and the applicants applied for a rezoning from C2 to I2 to allow for the contractor's yard use in August of 2008.

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The application for the rezoning was denied by the Planning Commission and City Council. The applicant has now proposed to allow for a contractor's office on the site. The principal difference between a *contractor's office* and a *contractor's yard* is whether or not the use involves outdoor storage of machinery and/or equipment. The two uses are defined in the zoning code:

Contractor's office. An office providing building construction or property maintenance services, and which does not involve outdoor storage of machinery or equipment. Examples include but are not limited to plumbing, electrical and cleaning contractors.

Contractor's yard. An establishment providing general contracting or building construction services, and which involves outdoor storage of machinery or equipment.

The applicant has indicated that the primary use of the existing building will be storage of lawn equipment, plastic bags, weed whips and snow removal equipment. All of the equipment will be stored within the enclosed building. The proposed use meets the definition of a contractor's office. Contractor's offices are conditional uses in the C2 District; therefore, the applicant has applied for a conditional use permit.

In addition to the contractor's office, the applicants are proposing to work with the City of Minneapolis to install a community garden at the rear of the property. Community gardens are permitted uses in the C2 District.

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

CONDITIONAL USE PERMIT – to allow for a contractor's office

Required Findings for the Conditional Use Permit:

- 1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.**
The applicant is proposing to occupy an existing structure that was previously used as an automobile convenience facility and minor automobile repair. All storage of maintenance equipment will occur within the existing building. The applicant will be making site improvements with landscaping and screening. The applicant is also proposing to install a community garden in the rear of the site. The proposed contractor's office will not prove detrimental to public health, safety, comfort or general welfare provided the development 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.**
The surrounding area is fully developed. The property adjacent to and surrounding the site is C2 and R2B. There is a mix of single and multifamily uses, commercial uses in the area and W. Harry Davis Academy, a K-8 school to the northwest across Glenwood Avenue. Through the recommended and proposed site improvements, the proposed use should not have negative impacts on surrounding properties.

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

Currently the site is predominately impervious, with a large unimproved gravel area at the rear of the building. The applicant is proposing and staff is recommending improvements to the site, including landscaping, screening and the addition of a community garden in the rear of the property. The site is served by existing infrastructure. Vehicle access would be from Girard Avenue North through existing curb cuts and the existing curb cut along Glenwood Avenue North will be closed. The Public Works Department has reviewed the project for appropriate drainage and stormwater management in or over the public right of way and has stated that this project will meet these requirements.

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

The proposed use would be required to provide four off-street spaces, however, because the building was constructed prior to July 19, 1963, off-street parking is not required per 541.70; however, existing accessory parking and loading facilities shall not be reduced below the requirements for a similar new use. There is an existing asphalt paved area at the front of the building that would accommodate approximately 7 off-street spaces along the west property line that serves as the parking area. Through design and maintenance of the site, there will be one handicapped space and 5 standard spaces. In addition, traffic congestion may be further minimized through the use of other transportation options near the site, including the #9 bus line along Glenwood Avenue.

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

THE MINNEAPOLIS PLAN (2000)

The property is presently located on a commercial corridor along Glenwood Avenue, according to *The Minneapolis Plan*. The Plan states the following about uses on commercial corridors: “The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Commercial uses on these streets will be supported insofar as they do not create excessive negative impacts relative to the location and its surroundings.

Section 4.4 of *The Minneapolis Plan* states: “Minneapolis will continue to provide a wide range of goods and services for city residents, to promote employment opportunities, to encourage the use and adaptive reuse of existing commercial buildings, and to maintain and improve compatibility with surrounding areas.” This policy includes the implementation step of encouraging “the economic vitality of the city's commercial districts while maintaining compatibility with the surrounding areas.” StreetWerks is primarily a general maintenance contractor that focuses on residential snow removal, lawn care and rubbish removal in the nearby area. The proposed use and site improvements will allow the existing commercial structure to be more compatible with other neighborhood commercial uses and adjacent residential buildings.

THE MINNEAPOLIS PLAN FOR SUSTAINABLE GROWTH (2008)

The Minneapolis Plan for Sustainable Growth, the site is designated as Mixed Use, is located on Glenwood Avenue, which is considered to be a commercial corridor and is adjacent to a Neighborhood Commercial Node. The mixed use designation allows for mixed use development, including mixed use with residential. Mixed use may include either a mix of retail, office or residential uses within a building or within a district.

Chapter 1 states that “Traditional Commercial Corridors in the city serve as boundaries connecting a number of neighborhoods and serve as focal points for activity. Development and revitalization of these corridors helps to strengthen surrounding urban neighborhoods. Commercial Corridors can accommodate intensive commercial uses and high levels of traffic. The corridors support all types of commercial uses, with some light industrial and high density residential uses as well. While the character of these streets is mainly commercial, residential areas are nearby and impacts from commercial uses must be mitigated as appropriate. Additionally, the City encourages new medium- to high-density residential development along Commercial Corridors, particularly as part of mixed use development. These corridors frequently carry large traffic volumes and must balance significant vehicular through-traffic capacity with automobile and pedestrian access to commercial property.” The proposed contractor’s office does not generate customers, but is a location for equipment storage and employee pick-up. In addition, there will be an operating community garden on the site that will be managed by Emerge and StreetWerks.

BASSETT CREEK VALLEY MASTER PLAN (2006)

The subject property is located within the Bassett Creek Valley Master Plan (2006) and was included in the Bassett Creek Valley rezoning study in 2007, where the property was rezoned from C1 Neighborhood Commercial District to C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overly District. The Bassett Creek Valley Master Plan outlines a vision and strategy for how future growth and potential redevelopment should occur in the Bassett Creek Valley (BCV) area, an area bounded by I-394 on the south, I-94 on the east, 4th Avenue on the north, and Cedar Lake Road and Bryn Mawr Meadows Park on the west. According to the plan, Bassett Creek Valley offers one of, if not the most, important redevelopment opportunities in Minneapolis. This is partly due to benefits like proximity to downtown, adjacent redevelopment, transit links and recreational amenities and partly due to sheer need and a historic lack of investment. The BCV Master Plan specifically identifies the subject property for mixed use/office/retail/residence for future land use.

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.

In addition to the conditional use permit, the proposed community garden is subject to the following Specific Development Standards, addressed in Chapter 536:

Community garden.

- (1) Overhead lighting shall be prohibited.
- (2) Signage shall be limited to a single, non-illuminated, flat sign of four (4) square feet.
- (3) No more than two (2) vehicles shall be parked on-site, excluding those parked within an enclosed structure.
- (4) No retail sales shall be permitted, except as an approved temporary use, as specified in Chapter 535, Regulations of General Applicability.

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With the installation of the proposed and recommended site improvements, the building and intended uses will comply with the applicable regulations of the zoning district and the development standards.

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 and City Council adopt the above findings and **approve** the conditional use permit to allow for a contractor’s office for the property located at 1307 Glenwood Avenue in the C2 Neighborhood Corridor Commercial District and PO Pedestrian Oriented Overlay District subject to the following conditions of approval:

1. CPED Planning staff review and approval of the final site, elevations and landscaping plans.
2. All site improvements shall be completed by April 6, 2010, unless extended by the Zoning Administrator, or the permit may be revoked for noncompliance.
3. 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.

Attachments:

- 1) PDR report
- 2) Written descriptions and findings submitted by the applicant
- 3) Copy of e-mail sent to neighborhood organizations and CM Samuels
- 4) Zoning map
- 5) Site plan
- 6) Photographs
- 7) Oblique aerials