

**Department of Community Planning and Economic Development - Planning Division**  
Conditional Use Permit  
BZZ-5130

**Date:** May 9, 2011

**Applicant:** Shayna Berkowitz dba ReGo Electric Conversions

**Address of Property:** 5925 Nicollet Avenue South

**Project Name:** ReGo Electric Conversions

**Contact Person and Phone:** Shayna Berkowitz – ReGo Electric Conversions 612-822-1626

**Planning Staff and Phone:** Jim Voll 612-673-3887

**Date Application Deemed Complete:** April 11, 2011

**End of 60 Day Decision Period:** June 10, 2011

**Ward:** 11 **Neighborhood Organization:** Windom

**Existing Zoning:** C2 Neighborhood Corridor Commercial District and AP Airport Overlay District

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

**Zoning Plate Number:** 37

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

**Existing Use:** Minor Automobile Repair.

**Concurrent Review:**

**Conditional use permit:** To allow a minor auto repair facility.

**Applicable zoning code provisions:** Chapter 525, Article VII Conditional Use Permits and Chapter 530, Site Plan Review.

**Background:** The site contains a car wash and a vacant minor automobile repair tenant space. ReGo Electric Conversions proposes to move into the empty tenant space of the building with three service bays. No change to the car wash is proposed. While the site has historically had a car wash and a minor automobile repair facility, the auto repair tenant space has been vacant for over a year, so the conditional use permit has expired and a new conditional use permit is required. The conditional use permit for the car wash is still in effect.

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A site plan review (BZZ-619) was reviewed and approved by the City Planning Commission in 2002, for the two businesses located at the site. The approved site plan (PW#7175) is attached to this report. The site plan was implemented and the site is in compliance, so a new site plan review is not required. Parts of the bollards on the south side of the site shall be repaired as required by Section 535.430 of the zoning code, regardless of the action regarding the conditional use permit.

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

**CONDITIONAL USE PERMIT (amendment for a minor auto repair use)**

**Findings as required by the Minneapolis Zoning Code:**

The Minneapolis City Planning Department 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.**

Approval of the conditional use permit will allow a building that was built for automobile repair and historically used that way to continue to be used in that fashion. The site is surrounded by commercial uses, is on a commercial corridor, has C2 zoning, and is in conformance with an approved site plan review. With continued compliance with the approved site plan and with the staff recommended conditions of approval, the proposed use should have little impact on the surrounding area.

- 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.**

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

Utilities and access are existing and adequate.

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

The site is required to have 17 off-street parking spaces and 18 are provided. One accessible space is required and one is provided. Allowing a auto repair use to go into a tenant built for minor auto repair

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uses on a site that provided parking as required by code should not significantly add congestion to the public streets.

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

*The Minneapolis Plan for Sustainable Growth* designates this portion of Nicollet Avenue South as a commercial corridor, which are high traffic areas with mixes of uses, with commercial predominating. The plan has the following relevant policy:

**Policy 1.10: 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.**

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.

1.10.2 Encourage commercial development, including active uses on the ground floor, where Commercial Corridors intersect with other designated corridors.

1.10.3 Discourage uses that diminish the transit and pedestrian character of Commercial Corridors, such as some automobile services and drive-through facilities, where Commercial Corridors intersect other designated corridors.

1.10.4 Encourage a height of at least two stories for new buildings along Commercial Corridors, in keeping with neighborhood character.

It is also adjacent to a Major Retail Center (Nicollet and 60<sup>th</sup>). The plan states the following: “Major Retail Centers are unique locations that can accommodate large-scale retail uses. These locations are characterized by their immediate and easy connections to regional road networks. Although these sites may be more oriented to the automobile, they can be designed for pedestrians and other modes of transportation to increase their compatibility with urban form and character. In addition, while traditional urban design for new buildings may not always be possible, it should be implemented where feasible. Decisions to locate such large-scale commercial uses in designated Major Retail Centers will be evaluated against their impacts on the surrounding area and the City’s goals for sustainable, people-oriented development.” It has the following policy:

**Policy 1.16: Support a limited number of Major Retail Centers, while promoting their compatibility with the surrounding area and their accessibility to transit, bicycle and foot traffic**

1.16.1 Encourage the development of mixed residential, office, institutional and, where appropriate, small-scale retail sales and services to serve as transitions between Major Retail Centers and neighboring residential areas.

1.16.2 Incorporate principles of traditional urban design in new and phased development, including buildings that reinforce the street wall, have windows that provide “eyes on the street”, and principal entrances that face the public sidewalks.

1.16.3 Encourage and implement buffering to lessen potential conflicts between uses in Major Retail Centers and surrounding areas.

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1.16.4 Ensure the provision of high quality transit, bicycle and pedestrian access to Major Retail Centers.

1.16.5 Support district parking strategies in Major Retail Centers, including shared parking facilities, uniform signage for parking facilities, and other strategies.

*The Nicollet Avenue Task Force Report* was adopted by the City Council on April 7, 2000. It states (page 54-55) that the area south of 58<sup>th</sup> Street the public space is very poorly defined, has a mix of uses, has no conveniently accessible green spaces, no street trees, no boulevards, virtually no amenities of any kind. Exacerbating the problem is the sea of asphalt around the Cub Foods site. Recommendation 10.4 (page 55) recommends that the City support and invest in commercial development of the 60<sup>th</sup> Street node as a “community service center” that accommodates cars, but not at the expense of pedestrians. It also encourages landscaping and fencing to improve the area for pedestrians.

An automobile related use is an appropriate use for a Commercial Corridor and a Major Retail Center with C2 zoning. While the existing building layout may not be in complete conformance with the above noted polices and recommendations, the approved site plan was designed to bring the site closer to conformance with these goals. The proposed use, with staff recommended conditions of approval, and the approved site plan, is in conformance with the above noted policy and implementation steps 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 the conditional use permit.**

The site will conform to the applicable regulations of the district in which it is located upon the approval of the conditional use permit.

**Specific Development Standards for minor automobile repair:**

(1) 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.

(2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.

(3) 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.

(4) The sale of vehicles shall be prohibited.

(5) 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.

(6) 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.

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(7) 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.

(8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

The applicant has indicated that she can and will comply with these standards.

**Signs:** Signs are subject to 531 and 543 of the Zoning Code. All new signs are required to meet the requirements of Chapter 543 of the zoning code and permits are required from the Zoning Office. The applicant is aware that all signage requires Zoning Office review and approval and permits.

**AP Airport Overlay District:** No changes to the site or building height, bulk, or usage are proposed. No residential development or prohibited uses in the AP Overlay are proposed. The proposal is in conformance with the AP Overlay District standards.

**RECOMMENDATION:**

**Recommendation of the Community Planning and Economic Development Department - Planning Division for conditional use permit 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 use for property located at 5925 Nicollet Avenue South, 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.

**Attachments:**

1. Statement from the applicant.
2. Zoning map.
3. Site plan and floor plan.
4. Photos.