

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit
BZZ-5441

Date: January 9, 2012

Applicant: Scott Zimmer

Address of Property: 1008 5th Street North

Project Name: AAA Employment

Contact Person and Phone: Scott Zimmer, (651) 775-0161

Planning Staff and Phone: Joe Bernard, (612) 673-2422

Date Application Deemed Complete: December 9, 2011

End of 60-Day Decision Period: February 7, 2012

End of 120-Day Decision Period: NA

Ward: 5 **Neighborhood Organization:** North Loop

Existing Zoning: I2 Medium Industrial District, DP Downtown Parking Overlay District

Proposed Zoning: NA

Zoning Plate Number: 13

Legal Description: NA

Proposed Use: Day Labor Agency

Concurrent Review: Conditional Use Permit to operate a Day Labor Agency

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

Background: No previous land use applications are on file for the property. The applicant seeks to establish a Day Labor Agency in the I2 Medium Industrial District at 1008 5th Street North. A Day Labor Agency is defined by the zoning ordinance as “An establishment engaged in the temporary employment of persons on a daily basis where persons wait on the premises for work assignments or transportation to work assignments.” The property is occupied by a single tenant one-story building built up to the front property line with a surface parking lot to the rear. The building is currently vacant but has previously housed manufacturing uses. Mr. Zimmer’s business is currently in operation at 1908 Chicago Avenue South.

Findings as required by the Minneapolis Zoning Code:

The 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 proposed use of a day labor agency will not be detrimental to or endanger the public health, safety, comfort, or general welfare provided the use is compliant with all applicable licensing and zoning regulations. The use currently operates at 1908 Chicago Avenue South; calls for service to city departments at the property have been minor in the recent past. No police calls could be found on record to the current location of this business.

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 proposed use will occupy the entirety of a 3,360 square foot building. With one exception all adjacent uses are industrial. The property to the southeast of 1008 5th Street North contains a parking lot that serves an adjacent apartment building on 10th Avenue North. Continued use of the property for industrial/office purposes should not impede the normal or orderly development of surrounding properties. The proposed day labor agency is primarily an office use that operates within regular business hours. One possible conflict between the proposed use and the apartment building occurs where the parking lots for the respective uses meet. Staff is recommending improved landscaping and screening at this location to serve as a buffer between the two uses.

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 proposed use meets all associated parking and loading requirements of the zoning ordinance. The use is less than 4,000 square feet, resulting in a parking requirement of four (4) spaces. The applicant proposes to provide the existing five (5) parking spaces to meet this requirement.

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

The property is located on 5th Street North adjacent to the intersection with 10th Avenue North. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Mixed Use.

Minneapolis City Planning Division Report
BZZ – 5441

The property is located in a solidly industrial area populated mostly by industrial uses and Metro Transit related service facilities. One block to the north and east is the North Washington Jobs Park, which is an adopted Industrial Employment District. The use is consistent with the following applicable policies of the comprehensive plan:

Economic Development Policy 4.1: Support private sector growth to maintain a healthy, diverse economy.

Economic Development Policy 4.2: Promote business start-ups, retention and expansion to bolster the existing economic base.

Economic Development Policy 4.5: Attract businesses investing in high job density and low impact, light industrial activity to support the existing economic base.

The *North Loop Small Area Plan* identifies this area for future mixed use development. However, the plan acknowledges that this transition will be largely market driven and that ongoing use of these properties for industrial purpose is expected in the near to medium term. This consideration was taken into account when deciding to keep the existing I2 zoning during the most recent downtown rezoning study.

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.

Two specific development standards in the zoning ordinance apply to day labor agencies. The applicant has demonstrated the intent to comply with these standards through both the submitted floor plan and statement of proposed use. The standards are referenced below.

- (1) A waiting area for clients shall be provided which shall be available to clients one (1) hour prior to the posted opening of the use and shall include toilet facilities.
- (2) 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.

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 for a day labor agency located at 1008 5th 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. The parking area will be resurfaced with a material consistent with section 541.300 of the zoning ordinance.
3. The applicant will work with staff to ensure that an effective transitional landscaping and screening buffer is provided between the parking areas at 1008 and 1004 5th Street North.
4. A waiting area for clients shall be provided which shall be available to clients one (1) hour prior to the posted opening of the use and shall include toilet facilities.
5. 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.

Attachments:

1. Statement of use
2. Findings
3. Correspondence
4. Zoning map
5. Plans
6. Photos