

Department of Community Planning and Economic Development
Conditional Use Permit
BZZ-6150

Date: August 12, 2013

Applicant: Joseph Schwagerl

Address of Property: 4225 Hiawatha Avenue

Project Name: Diggity Dog Daycare

Contact Person and Phone: Joseph Schwagerl, (612) 849-1597

CPED Staff and Phone: Kimberly Holien, (612) 673-2402

Date Application Deemed Complete: July 17, 2013

End of 60-Day Decision Period: September 15, 2013

Ward: 12 **Neighborhood Organization:** Longfellow Community Council

Existing Zoning: I1, Light Industrial, ILOD, Industrial Living Overlay district

Proposed Zoning: N/A

Zoning Plate Number: 34

Lot area: 74,864 square feet

Legal Description: Lots 3, 4 and 5, Block 4, Dean's South Park Addition to Minneapolis, according to the plat thereof on file or of record in the office of the Registrar of Deeds in and for said City. And that part of Lot 17 of the Plat of Distribution of Part of the Estate of Annie E. Steele, Deceased, lying Easterly of the East line of Hiawatha Avenue and Northerly of a line drawn parallel to and 150 feet North of the South line of said Lot 17, according to the plate thereof on file or of record in the office of the Registrar of Deeds in and for said County.

Proposed Use: Animal shelter (dog daycare)

Concurrent Review:

- Conditional use permit to allow an animal shelter in the I1, Light Industrial district

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

Background: The applicant is proposing to establish a dog daycare in the existing industrial building at 4225 Hiawatha Avenue. The building is a multi-tenant industrial building that

currently contains a limousine/taxi service use, a warehousing use and a number of vacant tenant spaces. The subject tenant space is 6,480 square feet in area and is located in the southeast corner of the building. This tenant space was most recently occupied by a wholesaling, warehousing and distribution use and is currently vacant. The proposed dog daycare would be located entirely within the existing building. There is a second building on the northern portion of the site that contains a minor auto repair use.

The zoning code does not specifically list dog day care as a use. However, the use has previously been determined to be substantially similar to an animal shelter by the zoning administrator. An animal shelter requires a conditional use permit in the I1, Light Industrial District.

Staff received an e-mail from the Longfellow Community Council dated June 20, 2013, expressing support for the project. Said e-mail has been attached for reference.

CONDITIONAL USE PERMIT: (to allow an animal shelter in the I1, Light Industrial district.)

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.**

Staff finds that approving a conditional use permit to allow an animal shelter (dog daycare) would not be detrimental to or endanger the public health, safety, comfort or general welfare. The activities associated with the use will be conducted entirely within a large industrial building to control noise levels and odors. Rubber flooring will be installed for easy clean-up and safety and dogs will be taken for walks for bathroom breaks. The existing building is constructed of concrete, which will also assist with noise abatement. The staff ratio will be one person for every ten dogs. The temperament of the dogs will be evaluated upon arrival so that no dangerous dogs are on premises. The establishment of this use according to the operating parameters set by the applicant will not have adverse off-site impacts.

- 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 proposed animal shelter (dog daycare) will not be injurious to the use and enjoyment of other property in the vicinity, nor will it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district. The site is bordered by Hiawatha Avenue to the west, a vacant parcel containing only a cell phone tower to the south, railroad tracks to the east and 42nd Street to the north. The north end of the subject site

contains a second building with a minor auto repair use. The use will be established in a large, multi-tenant industrial building that has recently been underutilized. The proposed use will activate a vacant tenant space, contributing to the overall vitality of the area. With the staff recommended conditions of approval, the proposed use will have no detrimental impact on the surrounding area.

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

The site is served by existing infrastructure and access roads. On-site drainage patterns are existing and will not be impacted by the establishment of this use.

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

The proposed use is not expected to contribute to traffic congestion in the public streets. Off-street parking is provided in a surface lot on the northernmost portion of the site with access from 42nd Street E and Hiawatha Avenue. The parking requirement for the uses within this multi-tenant building is as follows:

Use	Requirement	Size	Spaces Required
Auto repair	1 space per 500 sf of GFA excluding bays + 2/service bay	1,020 sf plus two service bays	6 spaces
Taxi/limo service	1 space per 500 sf of GFA in excess of 4,000 sf + 1 per 2 service bays	7,163 sf	6 spaces
Wholesale, warehousing and distribution	1 space per 500 sq. ft. of GFA of office, sales, or display area in excess of 4,000 sq. ft. (minimum of 4 spaces) + 1 space per 3,000 sq. ft. of GFA of warehousing up to 30,000 sq. ft. + 1 space per 5,000 sq. ft. GFA of warehousing over 30,000 sq. ft. or for any outdoor storage, sales, or display	24,257 sf of warehouse plus 1,376 sf of office	13 spaces
Animal shelter	1 space per 500 sq. ft. of GFA in excess of 4,000 sq. ft.	6,480 sf	5 spaces
Total			30 spaces

The cumulative parking requirement for the uses in the building is 30 spaces and the off-street parking area on the north side of the building contains 30 spaces. Three additional spaces are located directly in front of the tenant space for dog drop-off. The amount of parking provided is adequate for the site.

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

This site is designated as Transitional Industrial on the future land use map in *The Minneapolis Plan for Sustainable Growth*. Industrial areas located outside of Industrial Employment Districts will be labeled “transitional” since they may eventually evolve to other uses compatible with surrounding development. Although they may remain industrial for some time, they do 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:

Land Use Policy 1.1: 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.

1.1.5 Ensure that land use regulations continue to promote development that is compatible with nearby properties, neighborhood character, and natural features; minimizes pedestrian and vehicular conflict; promotes street life and activity; reinforces public spaces; and visually enhances development.

Land Use Policy 1.2: Ensure appropriate transitions between uses with different size, scale, and intensity.

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 1.14: Maintain Industrial Employment Districts to provide appropriate locations for industrial land uses.

1.14.2 Allow industrial uses outside of Industrial Employment Districts to transition over time to other uses.

1.14.5 Encourage and implement buffering through the site plan review process to mitigate potential conflicts between industrial uses and adjacent other uses.

The proposed use would activate a vacant tenant space in a large industrial building that is designed as Transitional Industrial on the future land use map. Staff is making recommendations for additional landscaping on site in order to buffer the parking lot from the adjacent streets. With the recommended conditions of approval, the use would be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*.

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

With the approval of the conditional use permit, the site would be in conformance with the applicable regulations of the zoning code. The Department of Community Planning Economic Development's policy is to bring sites into conformance with the design and maintenance standards in Chapter 541, Off-street Parking and Loading when evaluating a conditional use permit. In this case, the property has an approved site plan from 1997, when the minor auto repair use was established on site. Some of the shrubs from the previously approved plan were either not installed or died and were removed from the site. Specifically, the site is short three shrubs between the parking area and Hiawatha Avenue and five shrubs short between the parking area and 42nd Street E. The wood mulch that was previously installed also needs to be replenished. This landscaping shall be required as a condition of approval. Finally, the striping in the parking lot has faded over time and, as a conditional of approval, the spaces will need to be restriped. There are also specific development standards that apply to this use, as follows:

Specific Development Standards for an animal shelter: 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 use will comply with these standards.

RECOMMENDATION:

Recommendation of the Department of Community Planning and Economic Development for the conditional use permit to allow an animal shelter (dog daycare) in the I1, Light Industrial district:

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt the above findings and **approve** the application for a conditional use permit to allow an animal shelter (dog daycare) at the property located at 4225 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 two years of approval.
2. Dogs shall not be left unattended in any outdoor areas adjacent to the site. Barking dogs shall be returned indoors immediately.
3. Three additional shrubs shall be required between the parking area and Hiawatha Avenue and five additional shrubs shall be required between the parking area and 42nd

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Street E in accordance with the previously approved site plan. Said shrubs shall be a minimum of three feet in height.

4. Wood mulch shall be provided in the landscaped areas.
5. The spaces within the off-street parking area shall be restriped, in compliance with Section 541.320 of the zoning code.

Attachments:

1. Statement of findings and project description
2. Correspondence
3. Zoning map
4. Site plan and floor plans
5. Photos