

**Department of Community Planning and Economic Development – Planning
Division**

Conditional Use Permit

BZZ-4171

Date: September 8, 2008

Applicant: Rachel Mazig, PO Box 17350, Minneapolis, MN 55417, (612) 720-8476

Addresses of Property: 1828 Marshall Street NE

Project Name: The Pet Palace

Contact Person and Phone: Rachel Mazig, PO Box 17350, Minneapolis, MN 55417,
(612) 720-8476

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

Date Application Deemed Complete: August 12, 2008

End of 60-Day Decision Period: October 10, 2008

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

Ward: 3 Neighborhood Organization: Bottineau Neighborhood Association

Existing Zoning: I2 (Medium Industrial) District, FP (Floodplain Overlay) District, MR
(Mississippi River Critical Overlay) District, SH (Shoreland Overlay) District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 9

Lot area: 32,200 square feet or .73 acres

Legal Description: Not applicable for this application.

Proposed Use: Establish a pet daycare facility on the premises.

Concurrent Review:

- Conditional Use Permit to allow an animal shelter. The applicant intends to occupy a vacant tenant space within an existing building and utilize it for a pet daycare facility.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 536, Specific Development Standards.

Background: The applicant proposes to utilize an 800 square foot tenant space within an existing multi-tenant building for a pet daycare facility on the property located at 1828 Marshall Street NE. Animal shelters are conditional uses in the I2 district. Animal shelters are subject to specific development standards which require that all activity be located within a completely enclosed building per Chapter 550.280 with soundproofing and odor control. Outdoor kennels are prohibited.

The applicant proposes to provide pet day care services for cats only with the possibility of expanding the use to include dogs in the future. The proposed capacity would hold up to 20 cats. The business would be run entirely by the applicant with no employees to start. The applicant proposes to have various other accessory services offered including transportation for both cats and dogs to Airline Cargo Services, pick up and drop-offs for veterinarian, grooming and portrait appointments, etc., as well as medication administration and post surgical care. The full list of proposed services is documented in the attached company summary. According to the applicant, there are a total of 21 tenant spaces located within the building. There is a singular, substandard 16 space surface parking lot on the premises which serves all of the tenant spaces. The owner of the property will be required to bring the parking lot into compliance with the design and maintenance provisions outlined in Chapter 530. The overlay district standards are not applicable for this proposal.

Staff has not received correspondence from Bottineau Neighborhood Association prior to the printing of this report. All emails/letters received prior to the Planning Commission meeting will be forwarded on for consideration.

CONDITIONAL USE PERMIT -

Findings as Required by the Minneapolis Zoning Code:

The Department of 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 use of an 800 square foot tenant space within an existing multi-tenant building for a pet daycare facility should not have negative impacts on the area nor endanger the public health, safety comfort or general welfare. All animals would be required to have all appropriate and applicable vaccinations. Further, there is existing soundproofing in the tenant space from the previous use which was a recording studio.

- 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 use of a tenant space within the existing building on an industrial zoned parcel for a pet daycare facility should have little impact on the area. A recording studio last occupied the subject tenant space. Planning Staff would not expect that the proposed use within the existing building would be injurious to the use and enjoyment of other property in the vicinity nor would it impede the normal or orderly development and improvement of surrounding property for uses permitted in the district.

- 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 building is existing and has adequate grandfathered off-street parking for the proposed use. There are a total of 16 existing off-street parking spaces for the entire building located in a surface parking lot on the east side of the site adjacent to Marshall Street NE. The existing parking lot does not meet many of the standard parking lot provisions relating to drive aisle dimensions, etc., nor does it appear to meet the design and maintenance provisions as outlined in Chapter 530 of the Zoning Code. Planning Staff will recommend that the Planning Commission require that the property owner bring the parking lot into compliance with these provisions. The business would be run entirely by the applicant with no employees to start, so only one vehicle will be utilized for the pet transportation component of the use.

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

According to the *Minneapolis Plan*, the subject parcel is identified as light industrial and is located within a vicinity that contains a mixture of land uses including single-family and multi-family development as well as within an area with services and commercial uses. According to the Principles and Policies outlined in the *Minneapolis Plan*, the following apply to this proposal:

9.23 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.

9.25 Minneapolis will establish industrial districts to provide locations for industrial land uses, while ensuring that new industrial development is compatible with its surroundings.

Relevant Implementation Step

- Develop regulations for the industrial districts that promote compatible industrial development and the efficient use of land.

The proposal to allow a day animal shelter within an existing 800 square foot tenant space on an industrial parcel within a multi-tenant building is in conformance with the above noted principles, policies and implementation steps of the comprehensive plan.

Further, one additional plan covers the subject parcel as well which is the Above the Falls, A Master Plan for the Upper River in Minneapolis. The plan was adopted by the City Council in 2000. The objectives of the plan and implementation strategies aren't necessarily applicable for this development as the proposal is merely to fill a tenant space within an existing building.

- 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, the rezoning request, relevant variances, and site plan review.**

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 will 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 is aware of and will meet all the above listed conditions as applicable.

With the approval of the conditional use permit this development would meet the requirements of the I2 zoning district. Additionally, the conditional use application triggers the need for the properties to come into compliance with the landscaping and screening requirements per 531.110 and 541.360. As a condition of approval for the conditional use permit, the property owner would be required to submit a site plan showing compliance with those relevant sections of Chapter 530.

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 application for a conditional use permit to allow a day animal shelter on the property located at 1828 Marshall Street NE 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 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.
3. Compliance with the specific development standards per Chapter 536 for an animal shelter.
4. Submission of a site plan by the property owner for the property as required by sections 531.110 and 541.360 of the zoning code, showing compliance with Chapter 530 requirements related to landscaping and screening of parking and loading areas

Attachments:

1. Statement of use and description of project
3. Findings for the Conditional Use Permit
4. Correspondence
5. Zoning map
6. Plans
7. Photos