

Community Planning and Economic Development - Planning Division Report
Expansion of a Nonconforming Use
BZZ-4555

Date: September 28, 2009

Applicant: Jack Morrissey

Address of Property: 4601 Hiawatha Avenue

Contact Person and Phone: Dave Edquist- Holiday Station Stores (952) 830-8767

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

Date Application Deemed Complete: September 2, 2009

End of 60 Day Decision Period: November 1, 2009

Ward: 12 Neighborhood Organization: Longfellow Community Council

Existing Zoning: C3A, Community Activity Center District; PO, Pedestrian Oriented Overlay District; SH, Shoreland Overlay District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 34

Existing Use: Automobile convenience facility.

Concurrent Review: Expansion of nonconforming use to allow for a 270 square foot building addition.

Applicable Code Provisions: Chapter 531, Nonconforming Uses and Structures.

Background: Dave Edquist of Holiday Station Stores, on behalf of Jack Morrissey, has submitted an application for an expansion of a non-conforming use to allow a 9 foot by 30 foot addition to an existing automobile convenience facility at 4601 Hiawatha Avenue. The proposed addition is on the southeast side of the existing building and will only be accessible from an exterior entrance. The addition would serve as storage space for car wash control equipment and car wash supplies. An accessory storage shed currently located near the southeast corner of the building would be removed as part of the project.

An automobile convenience facility was first constructed on the site in 1947. The Pedestrian Oriented Overlay District was applied to the site in 2005. The application of the Pedestrian Oriented Overlay District made the automobile convenience facility non-conforming. The property was rezoned from

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C2 to C3A in 2009 as part of the 46th Street Station Rezoning Study. Automobile convenience facilities are also prohibited in the C3A District.

The City approved a conditional use permit for an automobile service station with a car wash and grocery facility in 1987. In 2002, the property owner submitted land use applications for a conditional use permit to allow 24 hour operations, a conditional use permit for a 468 square foot building addition and site plan review. The conditional use permit applications were eventually withdrawn and the application for site plan review was approved. The approved site plan has been implemented on the property.

Staff received a letter from the Longfellow Community Council dated September 14, 2009 in support of the project.

EXPANSION OF A LEGAL NONCONFORMING USE: To allow a 270 square foot addition to an existing automobile convenience facility.

The Planning Commission may approve an application if it meets the following standards and all other applicable regulations in the zoning ordinance (this section shall not authorize a use prohibited in the zoning district in which it is located to be expanded beyond the boundaries of its zoning lot):

(1) A rezoning of the property would be inappropriate.

The site is located within the boundaries of the 46th and Hiawatha Station Area Master Plan. The Pedestrian Oriented Overlay District was applied to the site in 2005 to support the transit-oriented development vision of the Master Plan. The Minneapolis Plan for Sustainable Growth identifies the area near the intersection of 46th Street and Hiawatha Avenue as an Activity Center. The Activity Center designation is given to areas with a mix of uses with citywide and regional draw. High intensity uses, including employment, commercial, office, and residential uses are appropriate for these areas. The 2009 46th Street Station Area Rezoning Study changed the zoning on the site from C2 to C3A to establish consistency with the Comprehensive Plan and the vision for this area. The Minneapolis Plan for Sustainable Growth discourages auto-oriented uses near Transit Station Areas and Activity Centers.

Rezoning the property to a zoning district that allows auto-oriented uses would not be consistent with the Comprehensive Plan or the 46th and Hiawatha Station Area Master Plan. The existing use is allowed to remain as long as the use is not discontinued for more than one year.

(2) The enlargement, expansion, relocation, structural alteration or intensification will be compatible with adjacent property and the neighborhood.

The proposed building addition will be constructed of brick to match the existing building and will not impact the layout of the site or traffic circulation. The height of the addition will be consistent with the height of the existing building. With the proposed addition the building will be setback a minimum of 13 feet from the side lot line. The site is adjacent to auto-oriented

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uses including a fast food restaurant and a pharmacy with a drive through. The proposed building addition will be compatible with the character of the surrounding area.

Due to the blank wall proposed on the southeast elevation, staff recommends that additional shrub plantings be provided adjacent to the building at a minimum height of four feet to deter graffiti. These plantings shall be required as a condition of approval.

- (3) **The enlargement, expansion, relocation, structural alteration or intensification will not result in significant increases of adverse, off-site impacts such as traffic, noise, dust, odors, and parking congestion.**

The proposed 270 square foot building addition will be used for storage only and therefore is not expected to have any impact on traffic, noise, dust, odors or parking. The nature of the use will not change as a result of the proposed addition.

- (4) **The enlargement, expansion, relocation, structural alteration or intensification, because of improvements to the property, will improve the appearance or stability of the neighborhood.**

Removing the accessory storage shed and incorporating a storage room into the principal facility will improve the property and improve the appearance of the neighborhood. The addition will slightly reduce the green space on the site. However, the overall percentage of green space will be 25.5 percent, compliant with the requirements of Chapter 530, Site Plan Review. The number of trees and shrubs on the site will not be altered.

- (5) **In districts in which residential uses are allowed, the enlargement, expansion, relocation, structural alteration or intensification will not result in the creation or presence of more dwelling units on the subject property than is allowed by the regulations of the district in which the property is located.**

Residential uses are allowed in the C3A District. However, no residential uses are existing on the site and none are proposed at this time.

- (6) **The enlargement, expansion, relocation, structural alteration or intensification will not be located in the Floodway District.**

The property is not located in the Floodway District.

Recommendation of the Community Planning and Economic Development Department – Planning Division:

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the expansion of a non-conforming use for the property at 4601 Hiawatha Avenue, subject to the following condition:

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1. Shrub plantings a minimum of 4 feet in height shall be provided adjacent to the southeast building wall to deter graffiti.

Attachments:

1. Statement from applicant.
2. Zoning map.
3. Correspondence.
4. Site plans and floor plan.
5. Photos.