

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variance
BZZ-5204

Date: July 18, 2011

Applicant: Jessen Como and Charles Johnson

Addresses of Property: 1528 and 1600 Marshall Street NE

Project Name: Ruff Love NE

Contact Person and Phone: Jessen Como, (917) 607-6765

Planning Staff and Phone: Hilary Dvorak, (612) 673-2639

Date Application Deemed Complete: June 22, 2011

End of 60-Day Decision Period: August 21, 2011

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

Ward: 3 **Neighborhood Organization:** Sheridan Neighborhood Group

Existing Zoning: I1, Light Industrial District, MR Mississippi River Overlay District, SH Shoreland Overlay District

Proposed Zoning: Not applicable for this application

Zoning Plate Number: 9

Legal Description: LOTS 6, 7 AND THAT PART OF LOTS 5 AND 8 LYING N OF A LINE RUNNING FROM A PT IN E LINE OF LOT 5 DIS 9 9/10 FT N FROM SE COR THOF TO A PT IN W LINE OF LOT 8 DIS 10 17/100 FT N FROM SW COR THOF INCL ADJ 1/2 OF VAC ST EX RR R/W, HECHTMANS 1ST ADDN TO ST ANTHONY.

THAT PART OF BLK 3 LYING SELY OF RR R/W INCL ADJ 1/2 OF ST VAC, HECHTMANS 1ST ADDN TO ST ANTHONY.

Proposed Use: Animal Shelter

Concurrent Review:

Conditional use permit: for an animal shelter (doggie daycare).

Variance: of the enclosed building requirement to allow for an outdoor agility and pet exercise/play area.

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits, Chapter 525, Article IX, Variances, specifically Section 525.520(26) “to vary the enclosed building standards of this zoning ordinance”.

Background: The applicants are proposing to locate an animal shelter (doggie daycare) in the building located at 1528 Marshall Street Northeast. The property has two addresses: 1528 and 1600 Marshall Street Northeast. The portion of the building with the address of 1600 Marshall Street Northeast is occupied by Ace Mailing, a direct mailing company. The zoning code does not specifically list doggie day care facilities as a use, but it has 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 zoning district. In the I1 zoning district all business activities associated with a use are required to be conducted within a completely enclosed building. In addition, the specific development standard for an animal shelter requires that all activity associated with the use be within a completely enclosed building with soundproofing and odor control. In this case the applicants are proposing to have an outdoor agility area and an outdoor exercise/play area in back of the building so they are requesting a variance of the enclosed building requirements.

CONDITIONAL USE PERMIT: for an animal shelter (doggie daycare)

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.

The Planning Division does not believe that approving a conditional use permit to allow an animal shelter (doggie daycare) would be detrimental to or endanger the public health, safety, comfort or general welfare. The applicants have indicated that the building’s cinder block walls will help control noise levels. The applicants will also be applying a sound sealant to the walls to further help with noise control. To control odors the applicants have indicated that they will enforce a strict policy of cleaning up after the dogs both inside and out.

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 Planning Division does not believe that approving a conditional use permit to allow an animal shelter (doggie daycare) will 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. On both the north and south sides of the site are industrial uses. To the west are the Burlington Northern and Santa Fe Railroad tracks and the Mississippi River and across Marshall Street Northeast from the site is a mixture of residential and commercial properties. As long as the business operators are vigilant about controlling the noise and odor levels of the use the proposed

business should be a good addition to the neighborhood. The applicants have indicated that they will be landscaping the area in between the building and the public sidewalk along Marshall Street Northeast in order to create a more pleasant pedestrian experience along the street.

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

Utilities, access to the site and drainage patterns are existing.

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

The minimum parking requirement for an animal shelter is one space per every 500 square feet of gross floor area in excess of 4,000 square feet. The building is 7,000 square feet in size. Based on this size the parking requirement for the use is six parking spaces. The applicants are proposing to have nine parking spaces provided on the site. The parking area is not currently defined. The Planning Division is recommending that the parking spaces be striped per Section 541.320 and 541.330 of the zoning code.

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

This site is located on Marshall Street Northeast in Minneapolis. Marshall Street Northeast is a designated Community Corridor in *The Minneapolis Plan for Sustainable Growth*. The site is also located two blocks north of the Grain Belt Complex Activity Center as designated in *The Minneapolis Plan for Sustainable Growth*. The future land use map in *The Minneapolis Plan for Sustainable Growth* designates the site as Urban Neighborhood. According to the principles and policies outlined in *The Minneapolis Plan for Sustainable Growth*, the following apply to this proposal:

- Through attention to the mix and intensity of land uses and transit services, the City will support development along Community Corridors that enhances residential livability and pedestrian access (Land Use Policy 1.9).
- Support the continued presence of existing and small-scale retail sales and commercial services along Community Corridors (Land Use Policy Implementation Step 1.9.1)
- Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities (Land Use Policy Implementation Step 1.9.4).

The Minneapolis City Council approved the *Above the Falls* plan in June of 2000. The future land use map in the plan designates this site as commercial. The Planning Division believes that the proposed use of the site as an animal shelter (doggie daycare) is in conformance with the above policies of *The Minneapolis Plan for Sustainable Growth* and the *Above the Falls* plan.

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 and the variance this development will meet the applicable regulations of the I1, Light Industrial District, MR Mississippi River Overlay District and the SH Shoreland Overlay District.

VARIANCE - of the enclosed building requirement to allow for an outdoor agility and pet exercise/play area

Findings as Required by the Minneapolis Zoning Code for the Variance:

1. The property owner proposes to use the property in a reasonable manner.

Enclosed building standards: The applicants are seeking a variance of the enclosed building requirement to allow for an outdoor agility and pet exercise/play area. The applicants have indicated that there is approximately 14,000 square feet of space outside of the building footprint that is available for use on the property. The majority of the area is currently blacktopped. The applicants would like to remove approximately 4,000 square feet of the blacktop and replace it with sod for an agility area. The remaining 10,000 square feet of outdoor space will be used as a pet exercise/play area. The Planning Division believes that using the outdoor space for an outdoor agility and pet exercise/play area is a reasonable use of the property.

2. Practical difficulties exist due to circumstances unique to the property. The unique circumstances were not created by persons presently having an interest in the property and are not based on economic considerations alone.

Enclosed building standards: The fact that there is approximately 14,000 square feet of outdoor space is a unique circumstance of this parcel of land.

3. If granted, the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Enclosed building standards: The Planning Division believes that the granting of the variance will be in keeping with the spirit and intent of the ordinance and the comprehensive plan and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity. The applicants have indicated that if there are dogs who bark for long periods of time that they will be moved indoors until the barking stops. To control odors the applicants have indicated that they will enforce a strict policy of cleaning up after the dogs on a daily basis. The nearest residential properties are located across Marshall Street Northeast from the site. The outdoor agility and pet exercise/play area, which is located on the back portion of the site, is located approximately 150 feet away from these properties.

4. The proposed variance will not substantially increase the congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

Enclosed building standards: Staff believes that the granting of the variance would likely have little impact on congestion of the public streets, or increase the danger of fire, or be detrimental to the public welfare or endanger the public safety.

RECOMMENDATIONS:

Recommendation of the Community Planning and Economic Development Department - Planning Division 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 an animal shelter (doggie daycare) located at 1528 and 1600 Marshall Street Northeast 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. A sound sealant shall be applied to the walls for noise control purposes.
3. For odor control purposes the outdoor agility and pet exercise/play area shall be cleaned on a daily basis.
4. The parking spaces shall be striped per Section 541.320 and 541.330 of the zoning code.
5. The area between the building and the public sidewalk shall be landscaped.

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

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of the enclosed building requirement to allow for an outdoor agility and pet exercise/play area located at 1528 and 1600 Marshall Street Northeast subject to the following conditions:

1. Dogs shall not be left unattended in the outdoor area.
2. Barking dogs shall be moved indoors immediately.
3. The barbed wire shall be removed from the top of the existing chin link fence and gate.

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Attachments:

1. Project overview
2. Statement regarding odor control and soundproofing
3. Sign and mural considerations
4. Conditional use permit and variance findings
5. June 22, 2011, email to Council Member Hofstede and the Sheridan Neighborhood Group
6. Zoning map
7. Site and building floor plans
8. Photos of the site and surrounding area