



**LAND USE APPLICATION SUMMARY**

*Property Location:* 241 Fremont Avenue N  
*Project Name:* Chameleon Concessions Food Truck Building  
*Prepared By:* Chris Vrchota, Senior City Planner, (612) 673-5467  
*Applicant:* Mark Palm  
*Project Contact:* Mark Palm, 612-889-9095  
*Request:* Establishment of a food truck outfitting, commissary kitchen and parking business

*Required Applications:*

<b>Appeal of the Decision of the Zoning Administrator</b>	Substantially similar use determination classifying outfitting of food trucks as “automotive repair, major”.
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**SITE DATA**

<b>Existing Zoning</b>	C2 Neighborhood Corridor Commercial District PO Pedestrian Oriented Overlay District
<b>Lot Area</b>	51,678 square feet/1.18 acres
<b>Ward(s)</b>	5
<b>Neighborhood(s)</b>	Harrison
<b>Designated Future Land Use</b>	Mixed Use
<b>Land Use Features</b>	Neighborhood Commercial Node (Glenwood Avenue & Van White Boulevard)
<b>Small Area Plan(s)</b>	<u>Basset Creek Valley Master Plan (2006)</u>

<b>Date Application Deemed Complete</b>	June 13, 2016	<b>Date Extension Letter Sent</b>	
<b>End of 60-Day Decision Period</b>	August 12, 2016	<b>End of 120-Day Decision Period</b>	

## BACKGROUND

Chameleon Concessions is interested in establishing a business that would support several aspects of food truck operations. One part of the business would be a commissary kitchen where food truck operators could prepare their food. They would also offer overnight parking of food trucks. The final component of the proposed business is the modification of commercial vans, trucks and trailers for use as food trucks and trailers. This includes cutting and installation of windows into the body, installation of interior plywood walls, installation of kitchen equipment including sinks, water heaters and tanks, exhaust hoods, refrigeration equipment, fire protection equipment, electrical wiring and power, and application of vinyl graphics.

Chameleon Concessions has asked about several potential locations in the City for their proposed business, most recently 241 Fremont Avenue N, which is zoned C2 Neighborhood Commercial Corridor District/PO Pedestrian Oriented Overlay District. The two of the three primary services provided by the business fit easily into existing use categories- the commissary kitchen is classified as catering, which is permitted in the C2/PO District. Overnight parking of the food trucks would be regulated by section 548.310 of the Zoning Code.

Outfitting vans, trucks and trailers for use as food trucks is not a specific use identified in the Zoning Code. The Zoning Code vests the Zoning Administrator with the power and duty “to interpret and administer the provisions of this zoning ordinance and maintain records of such interpretations.” Minneapolis Code of Ordinances (“MCO”) § 525.90(b) (1). MCO § 525.80 correspondingly states: *“Whenever an application contains a use not included in the zoning ordinance, the zoning administrator shall issue a statement of clarification, finding that the use either is substantially similar in character and impact to a use regulated herein or that the use is not sufficiently similar to any other use regulated in the zoning ordinance. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If said use is not sufficiently similar to any other use regulated in the zoning ordinance, the use shall be prohibited.”*

The following use classifications were considered for the proposed business:

**Limited production and processing.** Small-scale assembly, disassembly, fabrication, manufacturing, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption in a manner that is consistent and compatible with retail sales and services. Limited production and processing does not include processing of raw materials or production of primary materials, except for food and beverage products, and shall not include any use which may be classified as a medium industrial use or general industrial use which is first allowed in the I2 or I3 districts. Wholesale and off-premise sales accessory to limited production or processing uses shall be permitted.

Limited production and processing is permitted in all commercial and downtown zoning districts. Limited production and processing is subject to the following specific development standards as per Chapter 536 of the Zoning Code:

- (1) The portion of the use dedicated to production and processing activities shall not exceed five thousand (5,000) square feet of gross floor area.
- (2) The main entrance shall open to a retail, dining or office component equal to not less than fifteen (15) percent of the floor area of the use, except in the C4 District where such district standards shall apply.

**Automobile repair, major.** An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (store only in underground tanks), motor oil, lubricants, grease and minor accessories may be sold. Major repair may include all activities or repair or servicing of automobiles allowed in a minor automobile repair establishment, and rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rust-proofing, or other similar repair or servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Automotive repair, major is a conditional use in the C4, B4C, I1, I2, and I3 districts. Automotive service uses, including automotive repair, major are prohibited in the PO district. Automotive repair, major is subject to the following specific development standards as per Chapter 536 of the Zoning Code:

- (1) All vehicles waiting for repair or pick-up shall be stored on the site within an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.
- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outside storage of automotive parts or storage of junk vehicles shall be prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (6) 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.
- (7) In the I1, Light Industrial District, the use shall be located at least three hundred (300) feet from a residence or office residence district.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

**Automobile repair, minor.** An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), motor oil, lubricants, grease, and minor accessories may be sold. Minor repair may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, engine repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other activities of repair or servicing of automobiles, except rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rustproofing. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.

Automotive repair, minor is a conditional use in the C2, C3S, C4, B4S, B4C, B4N, I1, I2, and I3 districts. Automotive service uses, including automotive repair, minor are prohibited in the PO district. Automotive repair, minor is subject to the following specific development standards as per Chapter 536 of the Zoning Code:

- (1) All vehicles waiting for repair or pick-up shall be stored on the site in an enclosed building or in parking spaces in compliance with Chapter 541, Off-Street Parking and Loading.
- (2) Except in the I3 District, all repairs shall be performed within a completely enclosed building.

- (3) All vehicles parked or stored on-site shall display a current license plate with a current license tab. Outdoor storage of automotive parts or storage of junk vehicles is prohibited.
- (4) The sale of vehicles shall be prohibited.
- (5) In the C1, C2 and C3S Districts, all service vehicles associated with the establishment shall be parked or stored in an enclosed structure after business hours.
- (6) The use shall employ best management practices regarding the venting of odors, gas and fumes. Such vents shall be located a minimum of ten (10) feet above grade and shall be directed away from residential uses. All storage tanks shall be equipped with vaportight fittings to preclude the escape of gas vapors from the fill pipes.
- (7) 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.
- (8) Unattended, automated dispensing of gasoline or other engine fuel shall be prohibited.

## ANALYSIS

### APPEAL OF THE DECISION OF THE ZONING ADMINISTRATOR

The Department of Community Planning and Economic Development has analyzed the application for an appeal of the decision of the zoning administrator, based on the following findings:

1. *Finding 1.*

Limited production and processing is meant to allow for small scale production of materials and goods that are “consistent and compatible with retail sales and services”. The proposed business does not incorporate a retail sales or service component- it would not be open to the general public or involve any on-site retail uses. This classification is not fitting for the proposed vehicular modification component, nor is the proposed use compatible with intended function of commercial zoning districts.

2. *Finding 2.*

Automotive repair, major and automotive repair, minor are differentiated by the type and intensity of the work done. Automotive repair, minor specifically excludes “body, frame or fender straightening, replacement or repair”, while such activities are allowed in automotive repair, major.

3. *Finding 3.*

Automotive repair, major is the only use in the Zoning Code that specifically deals with work on the body of automobiles. While the proposed business would not engage in many activities traditionally associated with automotive repair, this is the specific use in the Zoning Code that is the most substantially similar to the activity proposed for the site.

**PUBLIC COMMENTS.** No public comment had been received by the time of publication. Any additional correspondence received prior to the public meeting will be forwarded on to the Zoning Board of Adjustment for consideration.

## RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Zoning Board of Adjustment adopt staff findings for the application by Mark Palm for the property located at 241 Fremont Avenue N:

**A. Appeal of the Decision of the Zoning Administrator.**

Recommended motion: **Deny** the appeal of the decision of the Zoning Administrator's determination that food truck fabrication is a substantially similar use to automotive repair, major.

## ATTACHMENTS

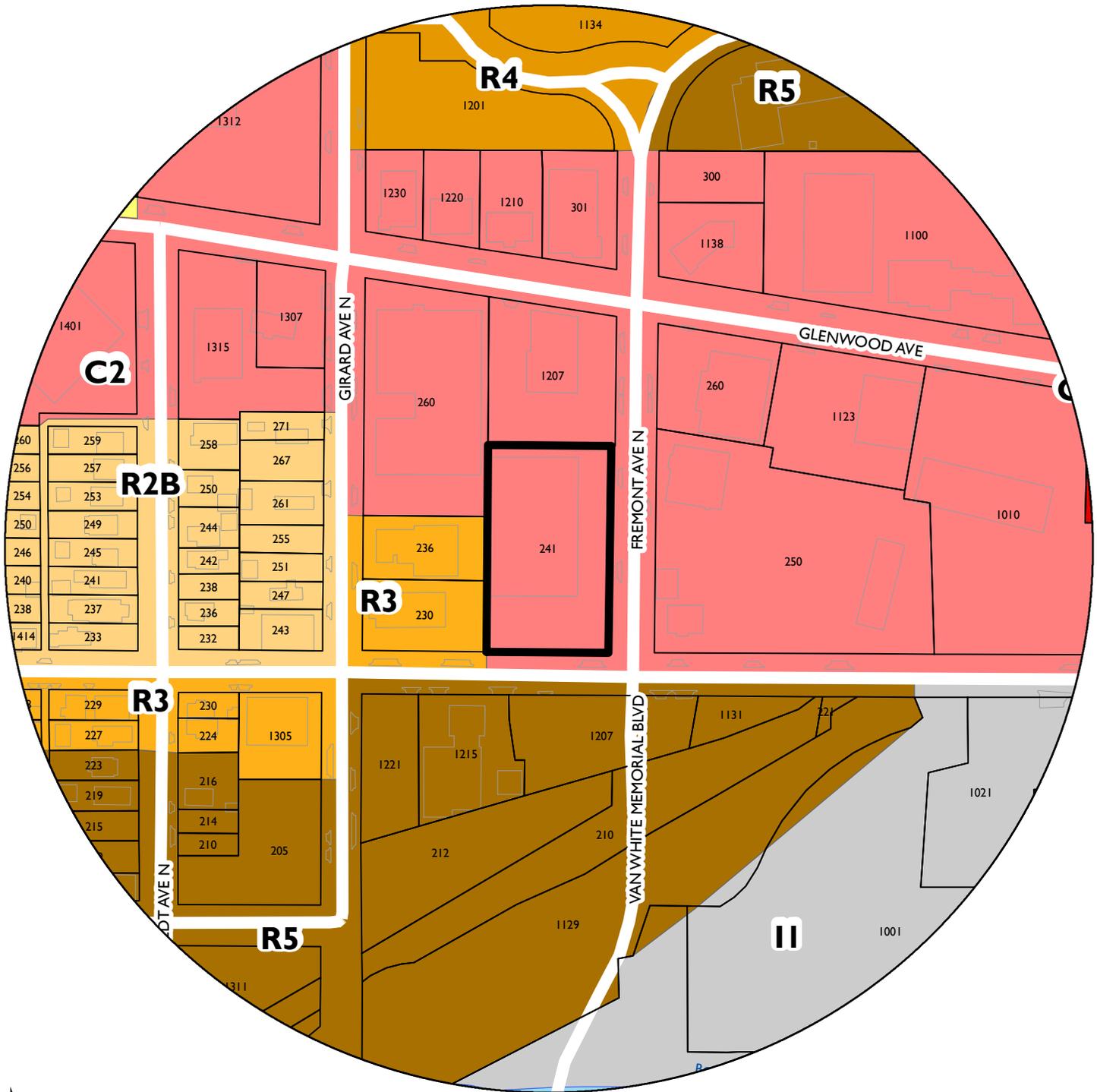
1. Zoning map
2. Zoning Administrator interpretation in a letter dated June 2, 2016.
3. Written description and findings submitted by applicant

Mark Palm

5th

NAME OF APPLICANT

WARD



PROPERTY ADDRESS

241 Fremont Avenue N

FILE NUMBER

BZZ-7758

# **DETERMINATION OF THE ZONING ADMINISTRATOR**

**Date:** June 2, 2016

**Subject:** Food Truck Outfitting and Kitchen Business  
Statement of Clarification - Substantially similar use analysis – Ch. 525.80

I have been asked to make a determination as to whether a proposed food truck outfitting and kitchen business, specifically the outfitting portion, is classified as auto repair, major or limited production and processing.

The Zoning Code vests the Zoning Administrator with the power and duty “to interpret and administer the provisions of this zoning ordinance and maintain records of such interpretations.” Minneapolis Code of Ordinances (“MCO”) § 525.90(b) (1). MCO § 525.80 correspondingly states:

*Whenever an application contains a use not included in the zoning ordinance, the zoning administrator shall issue a statement of clarification, finding that the use either is substantially similar in character and impact to a use regulated herein or that the use is not sufficiently similar to any other use regulated in the zoning ordinance. Such statement of clarification shall include the findings that led to such conclusion and shall be filed in the office of the zoning administrator. If said use is not sufficiently similar to any other use regulated in the zoning ordinance, the use shall be prohibited.*

The purpose of the following analysis is to draw a distinction between these uses in order to determine which use classification best suits the proposed establishment.

## **Background:**

Chameleon Concessions is interested in establishing a business that would support several aspects of food truck operations. One part of the business would be a commissary kitchen where food truck operators could prepare their food. They would also offer overnight parking of food trucks. The final component of the proposed business, and the subject of this determination, is the modification of commercial vans, trucks and trailers for use as food trucks and trailers. This includes cutting and installation of windows into the body, installation of interior plywood walls, installation of kitchen equipment including sinks, water heaters and tanks, exhaust hoods, refrigeration equipment, fire protection equipment, electrical wiring and power, and application of vinyl graphics.

Chameleon Concessions has asked about several potential locations in the City for their proposed business, most recently 241 Fremont Avenue N, which is zoned C2 Neighborhood Commercial Corridor District/PO Pedestrian Oriented Overlay District. The two of the three primary services provided by the business fit easily into existing use categories- the commissary kitchen is classified as catering, which is permitted in the C2/PO District. Overnight parking of the food trucks would be regulated by section 548.310. Questions have arisen as to the classification of the work to modify vans, trucks and trailers for use as food trucks and whether this should be classified as *automotive repair major, automotive repair, minor, or limited production and processing*.

## **Findings:**

The three following use classifications were considered for the proposed business:

***Limited production and processing.*** *Small-scale assembly, disassembly, fabrication, manufacturing, cleaning, servicing, packaging, sorting or other handling of goods or materials, either as an intermediate input for further production or processing, or for final sale, use or consumption in a manner that is consistent and compatible with retail sales and services. Limited production and processing does not include processing of raw materials or production of primary materials, except for food and beverage products, and shall not include any use which may be classified as a medium industrial use or general industrial use which is first allowed in the I2 or I3 districts. Wholesale and off-premise sales accessory to limited production or processing uses shall be permitted.*

***Automobile repair, major.*** *An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (store only in underground tanks), motor oil, lubricants, grease and minor accessories may be sold. Major repair may include all activities or repair or servicing of automobiles allowed in a minor automobile repair establishment, and rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rust-proofing, or other similar repair or servicing of automobiles. Such work excludes commercial wrecking or dismantling, scrap/salvage yards, tire recapping and truck-tractor repair. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.*

***Automobile repair, minor.*** *An establishment engaged in performing repairs to, and the servicing of, passenger automobiles, where gasoline or other automobile engine fuel (stored only in underground tanks), motor oil, lubricants, grease, and minor accessories may be sold. Minor repair may include muffler replacement, oil changing and lubrication, tire repair and replacement except tire recapping, wheel alignment, brake repair, suspension repair, engine repair and replacement, transmission repair and replacement, flushing of radiators, servicing of air conditioners, audio installation, detailing, and other activities of repair or servicing of automobiles, except rebuilding or reconditioning of passenger automobiles, body, frame or fender straightening, replacement or repair, painting or rustproofing. In addition, household and convenience items, food or other miscellaneous retail goods commonly associated with the same also may be sold.*

*Limited production and processing* is meant to allow for small scale production of materials and goods that are consistent and compatible with retail sales and services. The proposed business does not incorporate a retail sales or service component- it would not be open to the general public or involve any on-site retail uses. This classification is not fitting for the proposed vehicular modification component, nor is the proposed use compatible with intended function of commercial zoning districts.

One of the automotive repair use classifications is best suited for the proposed use. *Automotive repair, major* and *automotive repair, minor* are differentiated by the type and intensity of the work done. *Automotive repair, minor* specifically excludes “body, frame or fender straightening, replacement or repair”, while such activities are allowed in *automotive repair, major*. This is the only use in the Zoning Code that specifically addresses working on the body of automobiles. While the proposed business would not engage in many activities traditionally associated with automotive repair, this is the closest use classification existing in the code.

**Conclusion**

Based upon the scope and type of work proposed for the outfitting of food trucks on the site, it has been determined that use is substantially similar to *automotive repair, major* and will be regulated accordingly.

You have the right to appeal this decision to the Board of Adjustment within ten calendar days of the date of this decision pursuant to MCO § 525.170. If you wish to file an appeal please contact me at 612-673-5837, or at [steve.poor@minneapolismn.gov](mailto:steve.poor@minneapolismn.gov), to schedule a pre-application meeting.

Sincerely,

**Steve Poor**

Director of Development Services, Zoning Administrator  
CPED – Development Services



June 13, 2016

**RE: Chameleon Concession - Food Truck Outfitting & Kitchen Business – 241 Fremont Ave N.**

**Applicant: Mark Palm**  
1447 Park Drive  
Orono, MN 55364

Mr. Poor,

This letter is being provided to provide additional information & our reasoning for an appeal regarding the operations for Chameleon Concessions regarding their food truck outfitting business.

Mark Palm, President of CC has over 25 years of experience in the food service industry. The Palm family has a long history in the kitchen equipment and supply business. They have been servicing commercial kitchens in the Twin Cities since the early 1900s. The Palm's have produced mobile food vending trucks and trailers since the 1940's. Mr. Palm is one of the most trusted food truck builders in the Twin Cities. He has produced, and can count, 92% of all food trucks operating in the Twin Cities as his clients.

Mr. Palm has provided us with the following information in an attempt to show that the designation of automobile repair, major, doesn't accurately represent the food truck outfitting he does as part of his concession business.

He has outlined the process as follows.

**Truck Outfitting Steps -**

1. Customer buys the truck and brings the vehicle to CC.
2. If any mechanical work needs to be done on the truck, it is taken off site to a vendor in Loretto. CC **DOES NOT** repair brakes, transmissions, or do any mechanical, rebuilding, or reconditioning work on the vehicle. (Repair & reconditioning relates to work done on the existing vehicle's body & parts. That work is done off site if needed.)
3. If the customer wants the truck painted, the truck is taken off-site vendor to be painted. CC **DOES NOT** do any painting or rust-proofing on site.
4. CC installs a vending awning into the side of the truck. An opening is created in the side of the truck for the service window.
5. CC installs plywood walls into the truck and covers the plywood with FRP (a MN approved food code wall material).
6. CC installs pre-made sinks, water heaters and fresh/waste water tanks.
7. Plumber installs the gas lines.
8. CC installs pre-made exhaust hoods (if needed based upon the menu).
9. A Fire Protection vendor installs the ansul system to the hood.
10. CC installs equipment/refrigerators/freezers based upon the menu.
11. CC installs the electrical power.
12. The truck is towed to a vendor in Minneapolis to weld on the generator box, bumpers, and propane racks.

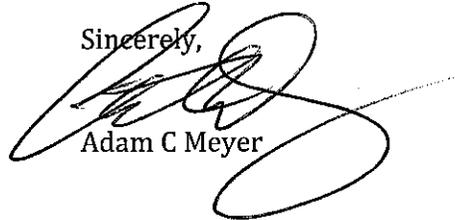


13. The truck is towed to a vendor in Loretto to have the generator hooked-up directly to the fuel line if the customer requests this method.
14. A graphics company wraps the trucks in vinyl graphics with logos.

Chameleon Concessions process is closer to limited production and processing or automotive repair, minor as the steps for outfitting a food truck are more related to small scale assembly & fabrication than to automotive repair as no repair or reconditioning of the truck is done on-site.

The assembly process of outfitting the food trucks does not contain any of the repairs or servicing items under automobile repair, minor or major, therefore making it less like this use than limited production & processing.

Sincerely,

A handwritten signature in black ink, appearing to read "Adam C Meyer", written over the typed name below it.

Adam C Meyer