

Department of Community Planning and Economic Development – Planning Division
Conditional Use Permit and Variances
BZZ-4518

Date: September 28, 2009

Applicant: Cheng Chiang Liu

Addresses of Property: 3011 Nicollet Avenue

Project Name: Best Wash Laundromat

Contact Person and Phone: Winnie Liu, (646) 301-8700

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

Date Application Deemed Complete: September 6, 2009

End of 60-Day Decision Period: November 5, 2009

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

Ward: 10 **Neighborhood Organization:** Lyndale Neighborhood Association

Existing Zoning: C2, Neighborhood Corridor Commercial District

Proposed Zoning: Not applicable for this application.

Zoning Plate Number: 25

Legal Description: Not applicable for this application.

Proposed Use: Laundry, self service

Concurrent Review:

Conditional use permit: to extend the hours open to the public in order to operate the Best Wash Laundromat 24 hours a day, 7 days a week.

Variance: of sign type to allow an additional sign to be placed on the existing freestanding pole sign.

Variance: to increase the size of the freestanding pole sign from the maximum of 80 square feet to 189 square feet (the sign is currently 168 square feet).

Applicable zoning code provisions: Chapter 525, Article VII, Conditional Use Permits and Chapter 525, Article IX, Variances, specifically Section 525.520(25) “to vary the number, type, height, area of location of allowed signs on property locate in an OR2 or OR3 District, or a commercial, downtown or industrial district, pursuant to Chapter 543, On-Premise Signs”.

Background: The property in question is located in the C2 zoning district. Laundromats are a permitted use in this zoning district. Given this the applicant is in the process of building out the laundromat in the existing shopping center located at 3031 Nicollet Avenue (3011 Nicollet Avenue is the specific tenant address). The allowed hours open to the public in the C2 zoning district are Sunday through Thursday, 6 am to 10 pm and Friday and Saturday, 6 am to 11 pm. The applicant has applied for a conditional use permit to operate the laundromat 24 hours a day, 7 days a week.

The applicant has also applied for two variances related to the sign that they want to attach to the existing freestanding pole sign. As part of the recent text amendment related to Chapter 543, On-Premise Signs, freestanding pole signs are no longer allowed in any zoning district without a variance. Although there is an existing freestanding pole sign on the site a variance is required to add an additional sign to it. In addition, the additional sign that the applicant is proposing to install increases the size of the sign which is already larger than what is allowed.

CONDITIONAL USE PERMIT: to extend the hours open to the public in order to operate the Best Wash Laundromat 24 hours a day, 7 days a week

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 extending the hours open to the public for the Best Wash Laundromat to 24 hours a day, seven days a week will be detrimental to or endanger the public health, safety, comfort or general welfare. The applicant has indicated that operating 24 hours a day will increase safety in the area as there will be staff and customers coming and going during all hours of the day.

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 extending the hours open to the public for the Best Wash Laundromat to 24 hours a day, seven days a week will be injurious to the use and enjoyment of surrounding property nor will it impede the normal development of the surrounding area. The use is located in an existing shopping center. The entrance to the laundromat is located on the west side of the building which faces Nicollet Avenue and the parking for the use is located in the parking lot that is located between Nicollet Avenue and the building. The nearest residential use is located in a mixed-use building on the southwest corner of Nicollet Avenue and West Lake Street.

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

The Planning Division would not expect the utilities, access roads, drainage and other facilities to be affected by the extended hours of operation.

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

The minimum parking requirement for a laundromat is one space per every 500 square feet over 4,000 square feet. The laundromat is 2,931 square feet in size. For uses that are less than 4,000 square feet in size the parking requirement is four spaces. There are four parking spaces for the laundromat located in the parking area on the west side of the building.

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

The site is located on Nicollet Avenue just south of East Lake Street. Nicollet Avenue is designated as a Community Corridor south of East Lake Street and East Lake Street is designated as a Commercial Corridor. In the update to *The Minneapolis Plan* Nicollet Avenue is designated as a Commercial Corridor up to East 32nd Street and the site is located in an Activity Center and in a Major Retail Center. According to the principles and policies outlined in *The Minneapolis Plan*, the following apply to this proposal:

- 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 (Policy 4.4).
- Minneapolis will identify and support Activity Centers by preserving the mix and intensity of land uses and enhancing the design feature of each areas that give it a unique and urban character (Policy 4.7)
- Ensure that land use regulations support diverse commercial and residential development types which generate activity all day long and into the evening (Implementation Step for Policy 4.7).

The Planning Division believes that increasing the outward projection of the existing projecting sign is in compliance with the above policies of the *Minneapolis Plan*.

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

550.90. Hours open to the public. The hours open to the public may be extended by conditional use permit as provided in Chapter 525, Administration and Enforcement. In addition to the conditional use standards, the city planning commission shall consider, but not be limited to, the following factors when determining the hours open to the public:

1. Proximity to permitted or conditional residential uses.

The nearest residential use is located in a mixed-use building on the southwest corner of Nicollet Avenue and West Lake Street.

2. Nature of the business and its impacts of noise, light and traffic.

The use occupies less than 3,000 square feet and would not be expected to generate a lot of late night noise, light and traffic.

3. Conformance with applicable zoning regulations, including but not limited to use, yards, gross floor area and specific development standards.

The project is in conformance with the general standards of the zoning ordinance.

4. History of complaints related to the use.

Staff reviewed the police incidents report associated with the property. According to City records there have been several police calls made; however, the calls do not appear to be related to late night operational hours. The Planning Division contacted the Fifth Police Precinct in order to determine if they had any concerns with this specific application. As of this writing no response has been received from the Fifth Police Precinct.

VARIANCE: of sign type to allow an additional sign to be placed on the existing freestanding pole sign

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Sign type: The applicant is seeking a variance of sign type to allow an additional sign to be placed on the existing freestanding pole sign. The applicant has indicated that the freestanding pole sign exists and that adding an additional sign to it will provide the necessary exposure for the business similar to all of the other businesses within the shopping center. The Planning Division believes that not allowing a new tenant in the building to attach a sign to the existing freestanding pole sign would be a hardship.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Sign type: The Planning Division believes that the circumstances are unique to warrant the granting of the variance.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Sign type: The intent of the ordinance is to prevent new freestanding pole signs from being erected throughout the City of Minneapolis. The Planning Division believes that since the freestanding sign

exists that allowing an additional sign to be placed on it would be in keeping with the spirit and intent of the ordinance.

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.

Sign type: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

The Planning Division does not believe that allowing an additional sign to be placed on the existing freestanding pole sign would lead to sign clutter. The Planning Division believes that erecting a second freestanding sign on the site would lead to sign clutter.

2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

The proposed sign will be two feet tall by 14 feet wide which is similar in size to the other signs that are located on the freestanding pole sign. The sign frame will be made out of aluminum and the sign itself will be made out of plastic. These materials are similar to the other signs located on the existing freestanding pole sign.

VARIANCE: to increase the size of the freestanding pole sign from the maximum of 80 square feet to 189 square feet (the sign is currently 168 square feet)

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

1. The property cannot be put to a reasonable use under the conditions allowed and strict adherence to the regulations of this zoning ordinance would cause undue hardship.

Size of sign: The applicant is seeking a variance to increase the size of the freestanding pole sign from the maximum of 80 square feet to 189 square feet (the sign is currently 168 square feet). The applicant has indicated that the size of the freestanding pole sign already exceeds what is allowed and that adding an additional sign to it will provide the necessary exposure for the business similar to all of the other

businesses within the shopping center. The Planning Division believes that not allowing a new tenant in the building to attach a sign to the existing freestanding pole sign would be a hardship.

2. The circumstances are unique to the parcel of land for which the variance is sought and have not been created by any persons presently having an interest in the property. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of the ordinance.

Size of sign: The Planning Division believes that the circumstances are unique to warrant the granting of the variance.

3. The granting of the variance will be in keeping with the spirit and intent of the ordinance and will not alter the essential character of the locality or be injurious to the use or enjoyment of other property in the vicinity.

Size of sign: The intent of the ordinance is to limit the size of freestanding signs in order to prevent sign clutter. The applicant has indicated that the size of the existing freestanding pole sign exceeds the 80 square foot limitation by 88 square feet already. The Planning Division believes that adding an additional 28 square feet of signage to the existing freestanding sign would be in keeping with the spirit and intent of the ordinance.

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.

Size of sign: The Planning Division believes that the granting of the variance would likely have little impact on congestion of area streets or fire safety, nor would the proposed variance be detrimental to welfare or public safety.

543.420. Approval criteria. Adjustments to the number, type, height, area or location of allowed signs on property located in an OR2 or OR3 District or a commercial, downtown or industrial district may be approved if the following criteria are met:

1. The sign adjustment will not significantly increase or lead to sign clutter in the area or result in a sign that is inconsistent with the purpose of the zoning district in which the property is located.

The Planning Division does not believe that increasing the size of the freestanding pole sign from 168 square feet to 189 square feet would lead to sign clutter.

2. The sign adjustment will allow a sign that relates in size, shape, materials, color, illumination and character to the function and architectural character of the building or property on which the sign will be located.

The proposed sign will be two feet tall by 14 feet wide which is similar in size to the other signs that are located on the freestanding pole sign. The sign frame will be made out of aluminum and the sign itself

will be made out of plastic. These materials are similar to the other signs located on the existing freestanding pole sign.

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 to extend the hours open to the public in order to operate the Best Wash Laundromat 24 hours a day, 7 days a week located at 3011 Nicollet 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 one year of approval.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance of sign type to allow an additional sign to be placed on the existing freestanding pole sign located at 3011 Nicollet Avenue.

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

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the variance to increase the size of the freestanding pole sign from the maximum of 80 square feet to 189 square feet (the sign is currently 168 square feet) located at 3011 Nicollet Avenue.

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Attachments:

1. Statement of proposed use and description of project
2. Responses to the conditional use permit findings
3. Police Incidents Report
4. Responses to the variance findings
5. Sign graphics
6. Letters to Council Member Remington and the Lyndale Neighborhood Association
7. Zoning map
8. Site plan and floor plan
9. Photos