

Planning Commission Report
Meeting Date: July 11, 2019

- Application Filed: 6/11/2019
- Review Period (60-day) Deadline: 08/10/2019
- Extension Declared: N/A
- Extended Review Period Deadline: N/A

Application No. 2019-010
Applicants: Lori and James Dean (Boulevard Holdings, LLC)
Location: 5300 Dupont Avenue North (PID: 01-118-21-34-0085)

Requests: (1) Rezoning, (2) Special Use Permit, and (3) Site & Building Plan Approval

REQUESTED ACTION

Lori and James Dean (“The Applicants”) are requesting approval for a site and building plan to construct an addition on the rear portion of the building located at 5300 Dupont Avenue North (“Subject Property”), which would allow for additional office and storage space (Exhibit A). Currently, additional materials are being stored in two trailers where the proposed addition would be located. These trailers are attached by way of a loading dock to the back of the building.

The Subject Property is currently a legal nonconforming use, and does not allow for any expansion to the structure per Section 35-111 (*Nonconforming Uses*). In order to accommodate the request, the property would need to be re-zoned from its current designation of R2 (Two Family Residence) District to C2 (Commerce) District. Given that the Subject Property has been home to a motor vehicle repair shop at this location for at least 75 years, this type of use would require issuance of a Special Use Permit.

BACKGROUND

The current structure where the business is located was originally built in 1944 on a 0.43 acre lot, and has been continuously operated as an automotive service center in the Bellvue neighborhood for over 75 years.



Map 1. Aerial of Subject Property (2018 Hennepin County Imagery).

As part of the application for re-zoning, a public hearing notice was duly published in the Brooklyn Center *Sun Post* on June 27, 2019 (Exhibit B), and notices were mailed to adjacent property owners. As of the date of this report, the City has not received any comments from the public about this proposal.

It should be noted that the public notice published outlined a re-zoning of the Subject Property from an R2 (Two Family Residence) District property to a **C1 (Service/Office)** District property. Following additional review by City staff, it was determined that the Subject Property should be re-zoned to a C2 (Commerce) District property, which requires issuance of a Special Use Permit. Additional analysis on the Special Use Permit can be found later in the staff report.

SITE DATA

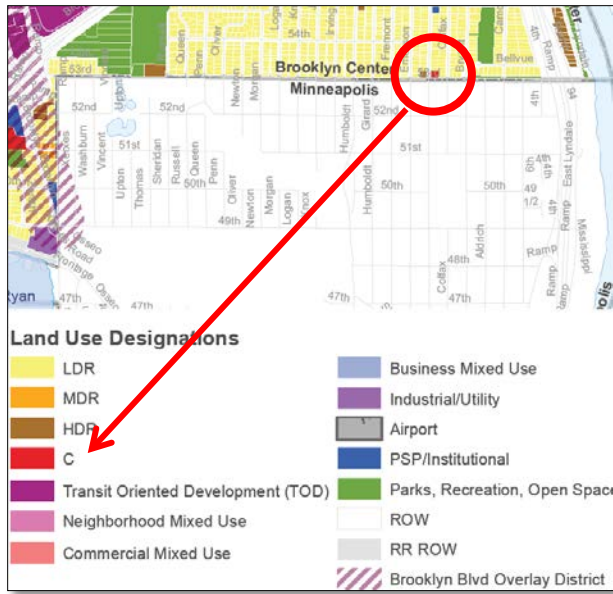
2040 Land Use Plan:	Commercial
Neighborhood:	Bellvue
Current Zoning:	R2 (Two Family Residence) District
Site Area:	0.43 acres

Surrounding Area

Direction	2040 Land Use Plan	Zoning	Existing Land Use
North	Low-Density Residential	R2 (One and Two Family Residence)	SF Detached
South	Low-Density Residential	One Family Residence (Minneapolis)	SF Detached (Minneapolis)
East	Low-Density Residential	R2 (One and Two Family Residence)	SF Detached
West	Low-Density Residential and High-Density Residential	R2 (One and Two Family Residence) and R4 (Multiple Family Residence)	SF Detached and Apartments

COMPREHENSIVE PLAN

The Applicants' proposal is consistent with the goals outlined in City's draft of the 2040 Comprehensive Plan ("The Plan"), which lists the Subject Property's projected future land use as "Commercial" (Refer to Map 2 below). During the public engagement process for the 2040 Comprehensive Plan, residents requested that more local services, restaurants, and retail opportunities be established within neighborhood locations. One of the goals outlined in the Land Use & Redevelopment Chapter of The Plan calls for the City to, "enhance and maintain existing neighborhoods through proper land use designations and clear supportive zoning that makes reinvestment and rehabilitation easy for residents." The 2030 Plan also denoted a commercial type land use for the Subject Property.

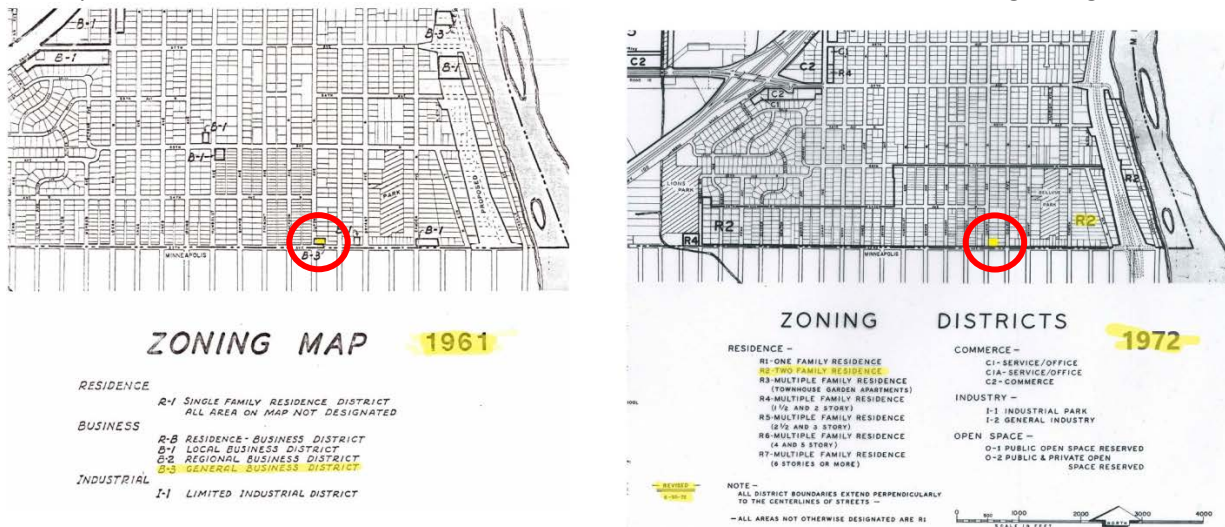


Map 2. Subject Property with Commercial Land Use Designation (2040 Brooklyn Center Comprehensive Plan).

REZONING

Under Section 35-111 (*Nonconforming Uses*) of the City Code, the continued use of any nonconforming building existing at the time of adoption of the City ordinance is permitted as long as the nonconforming use is not enlarged or increased or occupy a greater area of land. The current proposal would expand the existing building by approximately 975 square feet to incorporate an addition to the structure that would allow for the indoor storage of materials that are currently being stored outside in trailers and within a fenced area, allow for an office expansion, and install a new bathroom.

According to City records, a 1961 zoning map retrieved from City archives indicates that the Subject Property was previously zoned as a commercial property (B3-General Business District). However; a zoning map from 1972 indicates that the property was re-zoned to an R2 (Two Family Residence) District property in the intervening period (Refer to Map 3 below). As archived records from that era are incomplete, staff was unable to find documentation as to the rationale for the zoning change.



Map 3. Subject Property with B-3 Zoning Designation (1961 Zoning Map) and R2 Zoning Designation (1972 Zoning Map).

It is the policy of the City that:

- a) Zoning classifications must be consistent with the Comprehensive Plan, and
- b) Rezoning proposals shall not constitute “spot zoning,” defined as a zoning decision which discriminates in favor of a particular landowner, and does not relate to the Comprehensive Plan or to accepted planning principles.

The City Zoning Code also stipulates that the requested zoning change address the following guidelines (*responses from City staff are italicized*) per Section 35-208 (*Rezoning Evaluation Policy and Review Guidelines*):

a. Is there a clear and public need or benefit?

The Subject Property currently provides services to the immediate neighborhood and vicinity as an auto repair shop. The existence of Christy’s Auto Service (Subject Property) provides residents and other customers with a locally-owned shop and service in a residential neighborhood that has not changed much from when it was originally opened at this location 75 years ago in what was then the Village of Brooklyn Center. The business itself is over 80 years old.

During the engagement process for the 2040 Comprehensive Plan, residents noted a desire for local service options within the City, rather than having to leave the City limits for their day-to-day needs.

b. Is the proposed zoning consistent with and compatible with surrounding use classifications?

The proposed zoning would result in the Subject Property being the only C2 (Commerce) District zoned property in the nearby vicinity; however, this particular property has a long-standing history in the Bellvue neighborhood and per previous zoning maps on record, was previously zoned “B-3 General Business District” up until around 1972, when the zoning of the entire area covering the majority of Russell Avenue North to Interstate 94 and 53rd Avenue North (Minneapolis border) to 55th Avenue North was re-zoned to “R2 Two Family Residence” District.

These changes also resulted in the rezoning of six other properties to the R2 District. City staff reviewed Planning Commission and City Council records on file but were unable to identify the reasoning for these re-zonings. With the exception of the Subject Property, all other properties were either developed into residential properties (both R2 (Two Family Residence) and R4 (Multiple Family Residence) Districts) or are currently being used for pedestrian and bicycle paths.

c. Can all permitted uses in the proposed zoning district be contemplated for development of the Subject Property?

There are no plans to redevelop the Subject Property at this time. The requested re-zoning is to allow for improvements to be made on the Subject Property. As the Subject Property is non-conforming, these improvements cannot be made without approval of a re-zoning and the related issuance of a Special Use Permit.

Based on a review of permitted uses allowed in the C2 (Commerce) District, as identified in

Section 35-322 (C2 Commerce District) of the City Code, the Zoning Code would allow for only select types of uses on the Subject Property due to the overall size of the Subject Property at only 0.43 acres in size, and general site constraints. The Subject Property would, however, allow for certain neighborhood serving uses, such as restaurants and coffee shops, retailers of merchandise, repair shops, drop-in child care centers, medical and dental laboratories, and contractor offices. Certain other C2 District uses, such as hospitals and nursing homes, would find the site too constraining as a standalone site.

- d. Have there been substantial physical or zoning classification changes in the area since the subject property was zoned?**

The surrounding neighborhood is primarily residential, consisting of residential homes on smaller lots, with some R4 District-zoned apartment buildings and churches located on corners in the vicinity of the Subject Property. This area of Brooklyn Center (Bellvue Neighborhood), in relation to the rest of Brooklyn Center, was primarily developed earlier than other parts of the City, as it straddles the northern border of the City of Minneapolis.

The Subject Property itself, in reviewing historic aerial imagery and photography, has overwhelmingly remained the same, aesthetically. Please refer to Images 1 and 2 on page 8 of the report for comparison.

- e. In the case of City-initiated rezoning proposals, is there a broad public purpose evident?**

Not applicable. This is not a City-initiated rezoning proposal. The Applicants have made a request to rezone the Subject Property in order to conduct improvements to the property.

- f. Will the Subject Property bear fully the ordinance development restrictions for the proposed zoning districts?**

Staff believes the new zoning designation for the Subject Property is specific only to proposed continuation of the business located on the Subject Property at 5300 Dupont Avenue North. Although there are certain non-conformities, such as the building's setbacks, the proposed associated improvements would result in no greater non-conformities than are already in existence. City staff has requested that the Applicant address certain outstanding issues with the site as part of any Site and Building Plan approval, including the re-striping of the parking lot, and construction of a trash enclosure.

The building has been in existence since at least 1944, and the new addition should be easily accommodated on the site as it will fall within the existing building envelope.

- g. Is the Subject Property generally unsuited for uses permitted in the present zoning district, with respect to size, configuration, topography, or location?**

Yes, as this type of use is not permitted in an R2 (Two Family Residence) District. That said, the Subject Property and its related business appear to have successfully functioned in the same location since 1944. The associated request to build an approximately 975-square foot addition on to the back of the building would not expand outside the building's existing outer footprint.

The Subject Property's location on a corner also provides greater access via two drives for cars to be serviced. The Site and Building Plan request (below) is not to address configuration issues, but rather to provide more permanent interior storage and office expansion upgrades.

h. Will the rezoning result in the expansion of a zoning district, warranted by:

- 1) Comprehensive Planning;**
- 2) The lack of developable land in the proposed zoning district; or**
- 3) The best interests of the community?**

The 2040 Comprehensive Plan outlines the Subject Property's future land use as "Commercial," and serves as a continuation to the 2030 Comprehensive Plan's belief that the Subject Property is intended for a commercial type use. Although the City is overwhelmingly built out, this is a longstanding business seeking to remain in the same location it has been for the past 75 years. By keeping the associated Christy's Auto Service on the Subject Property, this addresses a need outlined by residents during the 2040 Comprehensive Plan community engagement process to provide for, protect, and promote locally owned businesses here in the City.

i. Does the proposal demonstrate merit beyond the interests of an owner or owners of an individual parcel?

Yes. The request by the Applicants are not to bring a new business to a residential neighborhood, but rather to keep an existing business at its current location and allow for improvements to be made to the Subject Property. By removing the existing trailers from the loading dock on the back of the building and constructing a true brick and mortar addition, the Applicants are investing in the City of Brooklyn Center and the surrounding neighborhood, and addressing potential code issues, as per Section 35-412 (Special Requirements in C2 Districts), outside storage in trailers is not permitted.

Based on the above-noted findings of fact contained in this report, City staff recommends the Planning Commission recommend City Council approval of the requested re-zoning of the Subject Property located at 5300 Dupont Avenue North from R2 (Two Family Residence) District to C2 (Commerce) District.

SPECIAL USE PERMIT

In order to accommodate the Applicants' request to construct an approximately 975-square foot addition onto the north side of their existing building, the Subject Property needs to be re-zoned. As the request would require a re-zoning to C2 (Commerce) District and the existing use of the Subject Property is for motor vehicle repair, a Special Use Permit is now required.

It should be noted that, to City staff knowledge, the Subject Property has never been in possession of a Special Use Permit as the existing Christy's Auto Service business located on the Subject Property has been in existence since before Brooklyn Center was a city. As the motor vehicle repair business is a "non-conforming use" and as the Applicants wish to invest in their property by constructing an approximately 975-square foot addition, the issuance of a Special Use Permit is tied to the request to re-zone the property to C2 (Commerce) District.

According to Section 35-220 (*Special Use Permits*) of the City's Zoning Ordinance,

“Special uses are those which may be required for the public welfare in a given district but which are, in some respects, incompatible with the permitted uses in the district. Before a building or premises is devoted to any use classified as a special use by this ordinance, a special use permit must be granted by the City Council.”

Section 35-322 (C2 Commerce District) notes that “Gasoline service stations (see section 35-414), **motor vehicle repair** and auto washes, **provided they do not abut** an R1, **R2**, or **R4** district, including abutment at a street line” and “The sale or vending at gasoline service stations of items other than fuels, lubricants or automotive parts and accessories (and other than the vending of soft drinks, candy, cigarettes and other incidental items for the convenience of customers within the principal building) provided adequate parking is available consistent with the Section 35-704, 2 (b) and 2 (c),” are permitted in the C2 (Commerce) District by Special Use only.

This particular property features a set of unique circumstances in that, under the current Zoning Ordinance, the associated business (Christy’s Auto Service) would not be allowed in its location today as it is adjacent to R2 (Two Family Residence) and R4 (Multiple Family Residence) District-zoned properties.

It should be noted that the Subject Property was developed prior to any of the properties immediately surrounding it, with the exception of a residential home located kitty-corner to the Subject Property on the Minneapolis side of 53rd Avenue North, which was constructed in 1926. Hennepin County records notes a build date of 1944 for the Subject Property located at 5300 Dupont Avenue North, whereas the surrounding residential properties were all developed between 1947 and 1960.

Per the *Standards of Special Use Permits*, a Special Use Permit may be granted by the City Council after demonstration by evidence that all of the following are met:

1. **The establishment, maintenance, or operation of the special use will promote and enhance the general public welfare and will not be detrimental to or endanger the public health, safety, morals, or comfort.**
2. **The special use will not be injurious to the use and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood.**
3. **The establishment of the special use will not impede the normal and orderly development and improvement of surrounding property for uses permitted in the district.**
4. **Adequate measurements have been or will be taken to provide ingress, egress, and parking so designed as to minimize traffic congestion in the public streets.**
5. **The special use shall, in all other respects, conform to the applicable regulations of the district in which it is located.**

There are no plans by the Applicants/Property Owners to alter the use of the existing building and associated business with the exception of constructing an approximately 975-square foot addition onto the north side of the building for indoor storage of materials and supplies, an expanded office space, and a bathroom. The Applicants have indicated no plans to alter any of the existing ingress, egress, or parking, with the exception of a City staff request to stripe the parking lot to comply with City Code

requirements. While Section 35-412 (*Special Requirements in C2 Districts*) dictates that any storage, such as the storage of vehicles, take place within an enclosed building or behind an opaque fence high enough to completely screen anything beyond it, City staff visited the Subject Property and determined that a fence would not be required so long as any vehicles receiving service are parked in an orderly fashion in marked spaces.

Given that the business was established on the Subject Property 75 years ago, City staff has determined that the continued operation of the motor vehicle repair shop is of minimal detriment to the public health, safety, morals, or comfort of the surrounding neighborhood. The expansion of the business is to relocate items currently being stored outside indoors, construct a new bathroom, and expand the office space, which in turn would serve as an improvement to the neighborhood.

Based on the above-noted findings of fact contained in this report, City staff recommends the Planning Commission recommend City Council approval of the requested issuance of a Special Use Permit to allow for the continued operation of a motor vehicle repair shop. This request is tied to the associated request to re-zone the Subject Property from R2 (Two Family Residence) District to C2 (Commerce) District.

SITE AND BUILDING PLAN



Image 1. Historic Photo of Christy's Auto Service (Source: www.christysautoservice.com).



Image 2. Current Photo of Christy's Auto Service-View from South of Subject Property (Source: www.christysautoservice.com).

As the request is to re-zone the Subject Property from R2 (Two Family Residence) District to C2 (Commerce) District, Section 35-230 (*Plan Approval*) requires site and building plan approval to

construct the proposed addition on the north side of the existing building.

Site Design

The new approximately 975-square foot addition proposed for the north side of the property features a garage door entrance. The exterior of the addition, when completed, will be constructed of the same stucco façade as the existing structure. Currently, the area that is proposed for an addition is being utilized as storage space with trailers within a fenced area. Per the Applicant, items such as tires, rims, and drums are stored in this location.

Based on the submitted plans, staff determined that designing an addition where the trailers are currently stored could mitigate potential code enforcement issues related to the outdoor storage of materials. Please refer to Images 3, 4, and 5 below for the current conditions.



Image 3. Existing Trailers and Storage on Subject Property-North Building Elevation.



Image 4. Existing Trailers and Storage on Subject Property.



Image 5. Existing Trailers and Storage on Subject Property-View from Dupont Avenue North.

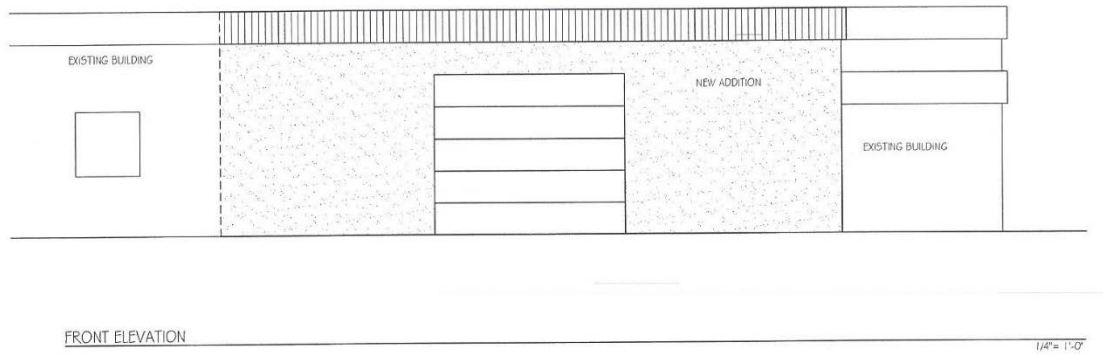


Image 6. Rendering of Proposed New Addition to Subject Property-North Elevation.

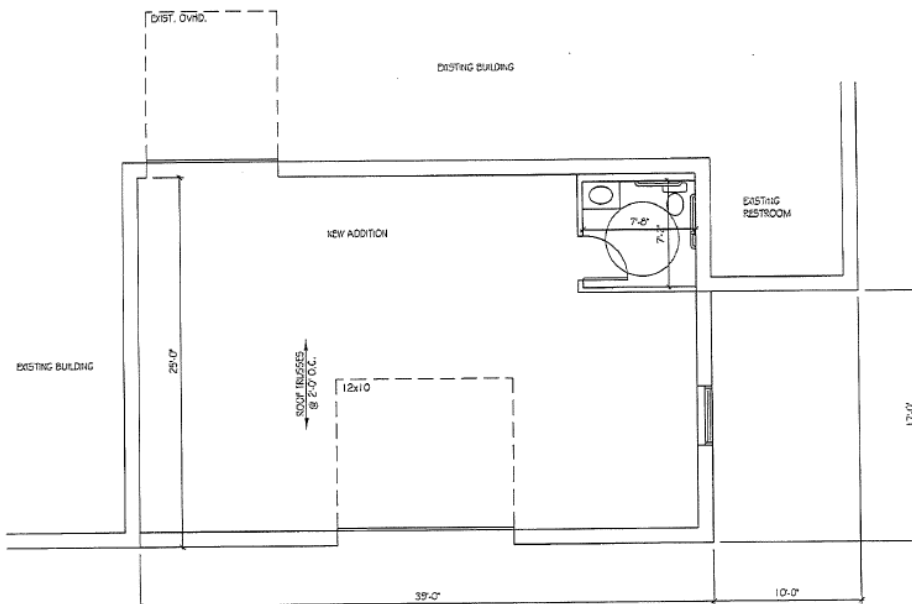


Image 7. Interior Layout of Proposed New Addition to Subject Property.

SETBACKS

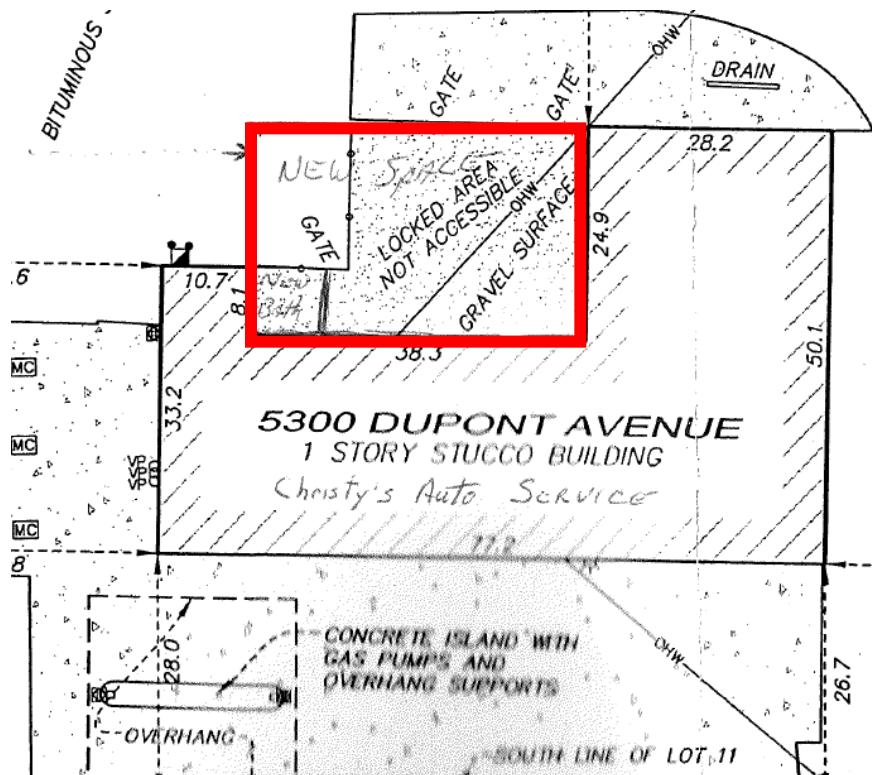


Image 8. Site Plan of Proposed Addition to Subject Property (Highlighted in Red).

In the case of C2-zoned properties located on a corner lot, the general minimum requirement for a front setback is 35 feet, and a corner setback of 25 feet. Considering the Subject Property is situated on a corner lot, Section 35-400 (*Table of Minimum District Requirements*) notes that in the case of corner lots, “the lot lines not abutting street right-of-way shall, for the purpose of this ordinance, be considered side-interior lot lines, and except as otherwise provided, the use shall adhere to the setback requirements set out for interior side yards.” Therefore, the minimum setbacks for the interior side and rear are 10 feet, respectively.

The new addition would only have an effect on the rear and corner side yard setbacks. As proposed, the addition would be situated 46.3 feet from the corner property line, and the rear of the addition would align with the existing building footprint at 48.7 feet. In addition, the proposed addition would be flush with the existing height of the building.

LIGHTING | TRASH | SCREENING

Lighting

Staff recommends that the Applicants consider lighting on the exterior of the proposed addition to minimize the possibility of graffiti or theft, and to provide additional safety for employees and customers. Per Section 35-712 (*Lighting*), lighting shall not exceed three (3) foot candles measured at property lines abutting residentially zoned property, or 10 foot candles measured at the property lines abutting the street right-of-way or non-residentially zoned properties. As is specified, no glare shall emanate from or be visible beyond the boundaries of the illuminated premises. Pending approval of the

rezoning and site and building plan requests, the Applicants shall provide locations and types for any new lighting, as well as a photometric plan verifying the fixtures will not exceed three (3) foot candles and comply with lighting requirements.

Trash and Screening

Staff noted the existence of a trash dumpster on the Dupont Avenue North side of the Subject Property. Per City Code requirements, trash dumpsters and any other ground mounted equipment (e.g., transformers, mechanical) shall be effectively screened from adjacent rights-of-way and adjacent properties by a solid wall or fence constructed of wood, masonry, or other durable materials that are complementary to the primary building. As the existing trash dumpster is not screened, a condition of any approval for the site and building plan will require that the trash dumpster be fully enclosed per City requirements should it remain outside. Plans will need to be submitted as part of any building permit submittal for the addition.

Per Chapter 12 (*Building Maintenance and Occupancy*) of the City Code, any roof-mounted equipment located on the addition will need to be screened from view through the use of parapets, wall/fencing materials, or paint to match surrounding colors when visible from the public right-of-way.

ACCESS AND PARKING

The proposed addition should not affect the Subject Property negatively so long as it is constructed as proposed. Following a review of the site, it was noted that there is currently no parking lot striping. In order to comply with City Code requirements and ensure sufficient emergency access is maintained around the property, City staff is requesting that the parking lot be striped. Per City Code, a minimum 20 foot drive aisle is required for fire access. The Applicants will need to submit a parking plan as part of any building permit submittal.

Assuming a continued “Automobile Service Station” use, a minimum of three (3) parking spaces for each enclosed bay plus one (1) space for each day shift employee, plus a minimum of two (2) spaces for service vehicles and one (1) additional space for each service vehicle over two in number is required.

LANDSCAPING

There was no Landscape Point System Policy in place when the Subject Property was first developed. Nonetheless, Staff does not anticipate that existing landscaping will be impacted by the proposed development as the construction is limited to the area that currently houses an enclosure on the north side of the property and the entire Subject Property is covered in impervious surfaces. While Staff would like to see landscaping incorporated on site, this would require existing impervious to be removed, which could potentially result in circulation issues around the site.

ASSISTANT CITY ENGINEER REVIEW

As part of any approval of the requests, the Applicants will need to comply with the use of storm water erosion control Best Management Practices (BMPs) as necessary to prevent sediment from reaching the storm sewers, as noted by Assistant City Engineer Andrew Hogg in his memorandum dated July 1, 2019 (Exhibit C).

FIRE INSPECTOR | BUILDING OFFICIAL REVIEW

Per Building Official Dan Grinstein, buildings 2,000-square feet or greater require installation of a fire sprinkler system. This requirement applies to any existing or new building additions. In addition, the Applicant will need to comply with any applicable Minnesota Accessibility Code requirements as relating

to parking and access (e.g., bathrooms, counters). Pending approval of the identified requests, the Building Official may require submittal of architecturally stamped plans as part of the building permit submittal process.

SIGNAGE

No signage requests were submitted as part of Planning Commission Application No. 2019-010. All signage is to comply with Chapter 34 (*Signs*) of the City Code.

Based on the above-noted findings of fact contained in this report, City staff recommends Planning Commission recommend City Council approval of the requested site and building plan to construct an approximately 975-square foot addition on the north side of the Subject Property located at 5300 Dupont Avenue North.

CONDITIONS OF APPROVAL

Staff recommends the following conditions be attached to any positive recommendation on the approval of Planning Commission Application No. 2019-012 for the Subject Property located at 5300 Dupont Avenue North:

- 1. Rezoning:** The Applicant's request to construct an approximately 975-square foot addition on the north side of the property is contingent upon obtaining approval to re-zone the Subject Property from R2 (Two Family Residence) District to C2 (Commerce) District, and issuance of a Special Use Permit for the motor vehicle repair use.
- 2. Building and Site Plan Review:** The building plans are subject to review and approval by the Building Official with respect to applicable codes prior to the issuance of permits.
 - a.** Any major changes or modifications made to this Site and Building Plan can only be made by an amendment to the approved Site and Building Plan as approved by the City Council.
 - i.** Architecturally-stamped building plans may be required as part of any building permit submittal.
 - ii.** The Applicant shall provide a parking plan as part of a building permit submittal. Upon approval of the parking plan, the Applicant shall stripe the Subject Property in accordance with the submitted plans and per City Code requirements.
 - b.** A pre-construction conference shall be held with City staff and other entities designated by the City prior to issuance of a Building Permit.
- 3. Agreements:**
 - a.** Unless otherwise determined, Property Owner/Applicant shall execute a separate Performance Agreement with supporting financial guarantee approved by the City, which ensures the Subject Property will be constructed, developed, and maintained in conformance with the plans, specifications, and standards comprehended under this Site and Building Plan.
 - b.** The Applicant shall submit an as-built survey of the Subject Property, as well as any improvements and utility service lines, prior to the release of the Performance Agreement financial guarantee.

4. Engineering Review:

- a. The Applicant agrees to comply with all conditions or provisions noted in the City Engineer's Review memorandum, dated July 1, 2019.

5. Construction Standards:

- a. Appropriate erosion and sediment control devices shall be provided on site during construction as approved by the City's Engineering Division.

6. Facilities and Equipment:

- a. Any outside trash disposal facilities or ground mechanical equipment shall be appropriately screened from view per City Code requirements.
- b. Any outdoor enclosures shall be constructed with materials that are complementary to the principal building and new addition.
- c. Semi-trailers, etc. shall not be used for the out of door storage of materials, equipment, merchandise, inventory, etc. Any trailers on-site of the Subject Property shall be removed.
- d. Per Code, fire sprinkler systems are required for buildings 2,000-square feet in size.
- e. Minnesota ADA compliance as related to parking, public access, etc. is required.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.

RECOMMENDATION

Based on the findings of fact contained in this report, staff has determined that all requirements of the City's Zoning Code, pertaining to the re-zoning, Special Use Permit, and site and building plan requests, as identified in Planning Commission Application No. 2019-010, have been met or exceeded, and therefore support a recommendation for approval of the application. Based on the findings and the above-noted conditions of approval, staff recommends the following motion:

Motion to approve a Resolution recommending that the City Council approve Planning Commission Application 2019-010 for the rezoning of the Subject Property located at 5300 Dupont Avenue North from R2 (Two Family Residence District) to C2 (Commerce) District, issuance of Special Use Permit for the continued operation of a motor vehicle repair business, and site and building plan approval to construct an approximately 975-square foot addition.

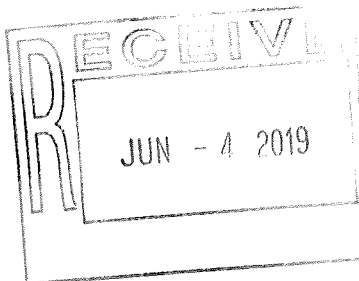
Should the Planning Commission accept this recommendation, the Commission may elect to adopt the resolution which memorializes the findings in granting approval for the requested rezoning, Special Use Permit and site and building plan approvals, subject to the Applicants complying with the conditions outlined in the associated resolution.

ATTACHMENTS

Exhibit A – Planning Commission Application No. 2019-010 and Submitted Plans.

Exhibit B- Public Hearing Notice, published by Brooklyn Center Sun Post, dated June 27, 2019.

Exhibit C- Review Memorandum, prepared by Assistant City Engineer Andrew Hogg, dated July 1, 2019.



For Office Use Only	
Date Received:	_____
Date Application Complete:	_____
Letter of Completeness:	_____
PC App No.	_____

2019 Planning Commission Application

Applicant Information:

Name: Christy's Auto Service
 Address: 5300 Dupont Ave N
 Office Phone: 763-560-9984 Cell: Lori 612-483-9223
 Email: rebeldean24@msn.com FAX: 763-561-9344

Property Owner Information* (if different from Applicant):

Name: James & Lori Dean
 Property Owner Address: 5300 Dupont Ave N
 Office Phone: 763-560-9984 Cell: Lori 612-483-9223
 Email: rebeldean24@msn.com FAX: 763-561-9344

Project Information:

Provide a general description of your project and request(s): We hope to change zoning. Then we can improve the look of the building. Get rid of outside storage for old tires, rums & 55 gal drums. The fenced storage area will be removed. Add 1000 sq ft for a cleaner, more finished building.
 Address/Location of Property: 5300 Dupont Ave N Brooklyn center, mn 55430
 Legal Description of Property: _____

Application Type (Mark all that Apply)

<input type="checkbox"/>	Comprehensive Plan Amendment	\$1,050	<input type="checkbox"/>	Appeal	\$200
<input checked="" type="checkbox"/>	Rezoning	\$1,050	<input type="checkbox"/>	Zoning Code Text Amendment	\$500
<input type="checkbox"/>	Special/Interim Use Permit	\$250	<input type="checkbox"/>	Special/Interim Use Permit Amendment	\$150
<input checked="" type="checkbox"/>	Site and Building Plan Review	\$750	<input type="checkbox"/>	Variance	\$200
<input type="checkbox"/>	Planned Unit Development	\$1,800	<input type="checkbox"/>	Planned Unit Development Amendment	\$700
<input type="checkbox"/>	Preliminary Plat	\$400	<input type="checkbox"/>	Final Plat	\$200

IMPORTANT: All applications may be subject to additional fees for reimbursement of costs incurred by the City for filing, reviewing, and processing applications in the form of an escrow to the City.

Application Fee: \$ _____ Escrow Amount: \$ _____ Receipt No: _____

Acknowledgement and Signature:

The undersigned acknowledges that they understand that before a Planning Commission application can be deemed complete, all required fees and escrows must be paid to the City. By signing and submitting this application, the Applicant agrees to pay to the City of Brooklyn Center the actual costs incurred for expenses reasonably and necessarily required by the City for the review, filing, and processing of the application. Such costs will be in addition to the application fee described herein. Withdrawal of the application will not relieve the applicant of the obligation to pay costs incurred prior to withdrawal. Any administrative fees paid as part of the submission of this application are nonrefundable.

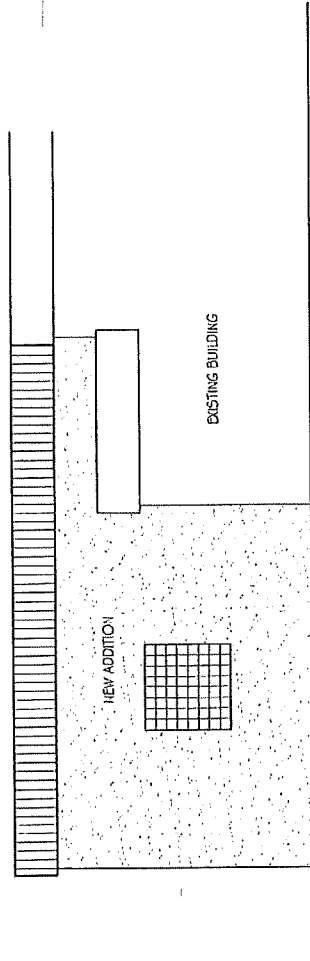
James Dean & Lori Dean
Property Owner Signature (Required)

6-4-19
Date

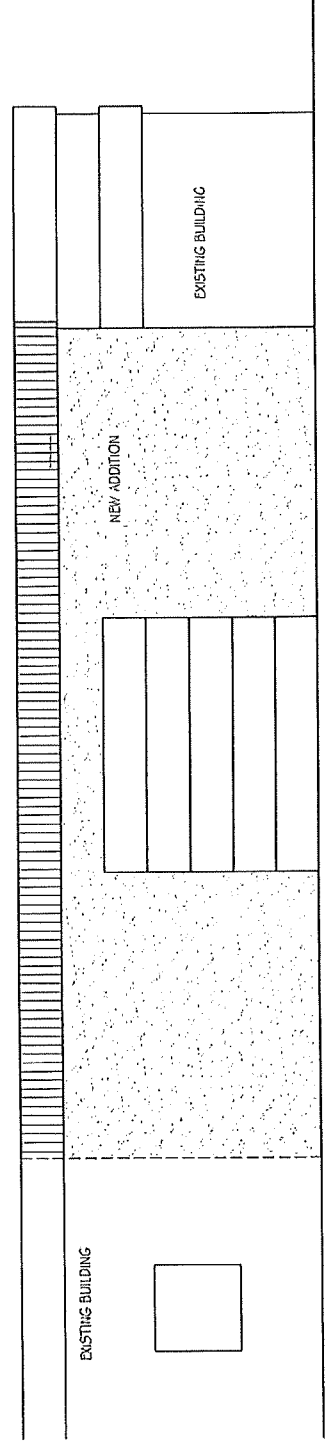
James Dean & Lori Dean
Applicant Signature (If different than Property Owner)

6-4-19
Date

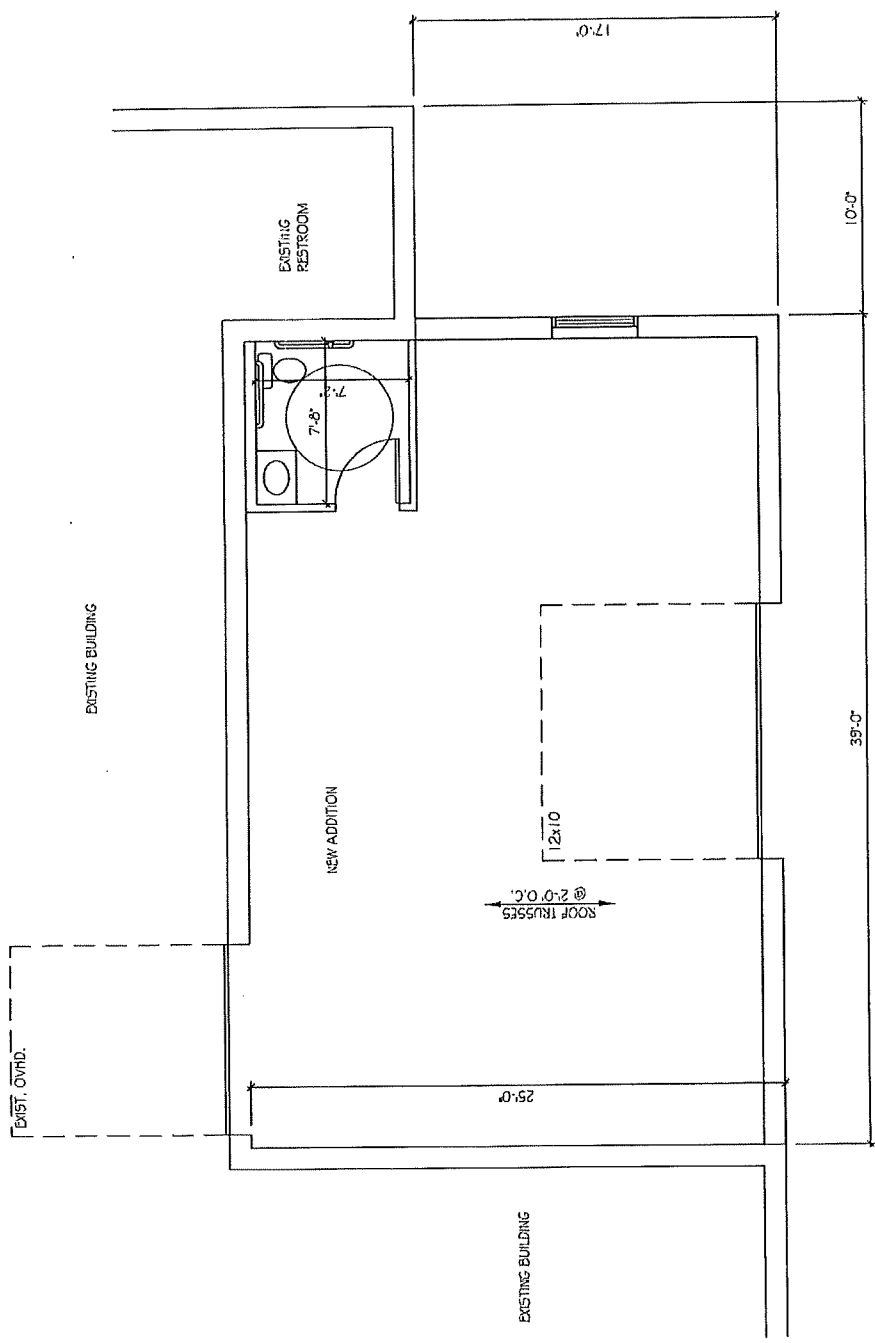
DISCLAIMER
IN PREPARATION OF THIS PLAN EVERY ATTEMPT HAS BEEN MADE TO AVOID MISTAKES. DESIGNER CANNOT GUARANTEE AGAINST HUMAN ERROR. CONTRACTOR TO VERIFY ALL DIMENSIONS AND CONDITIONS AND BE RESPONSIBLE FOR THE SAME. THESE DESIGNS, CONCEPTS AND SPECIFICATIONS ARE INSTRUMENTS OF SERVICE AND AS SUCH REMAIN THE EXCLUSIVE PROPERTY OF COUNTRY LUMBER AND ARE NOT TO BE COPIED WITHOUT THE WRITTEN CONSENT OF COUNTRY LUMBER.



RIGHT ELEVATION
1/4" = 1'-0"



FRONT ELEVATION
1/4" = 1'-0"



FLOOR PLAN
975 SFT. (NEW ADDITION)
1/4" = 1'-0"

EXISTING BUILDING

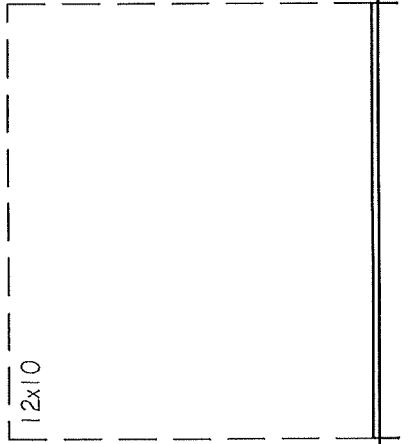
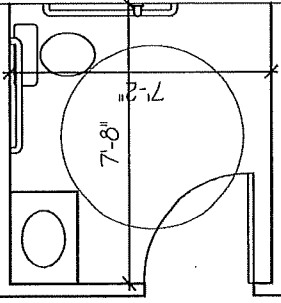
EXISTING
RESTRC

NEW ADDITION

ROOF TRUSSES
@ 2'-0" O.C.

12x10

25'-0"



LOT CERTIFICATE

LEGAL DESCRIPTION:
(Per previous surveys by Egan, Field and Nowak, INC.)

The West 150.00 feet of Lot 11, Block 4, BELLVUE ACRES, according to the recorded plat thereof, Hennepin County, Minnesota.

I hereby certify that this survey was prepared by me or under my direct supervision and that I am a duly Licensed Land Surveyor under the law of the State of Minnesota.

Date of survey: August 24, 2006.

Brent R. Peters
Brent R. Peters
Minnesota License No. 441233

NOTES:

1. The orientation of this bearing system is based on the west line of Lot 11, Block 4, BELLVUE ACRES which is assumed to have a bearing of North 02 degrees 03 minutes 17 seconds East.
2. The area of the property described hereon is 18,900 square feet or 0.43 acres.
3. No title work was furnished for the preparation of this survey to verify the legal description, ownership or existence of any easements or encumbrances.

LEGEND

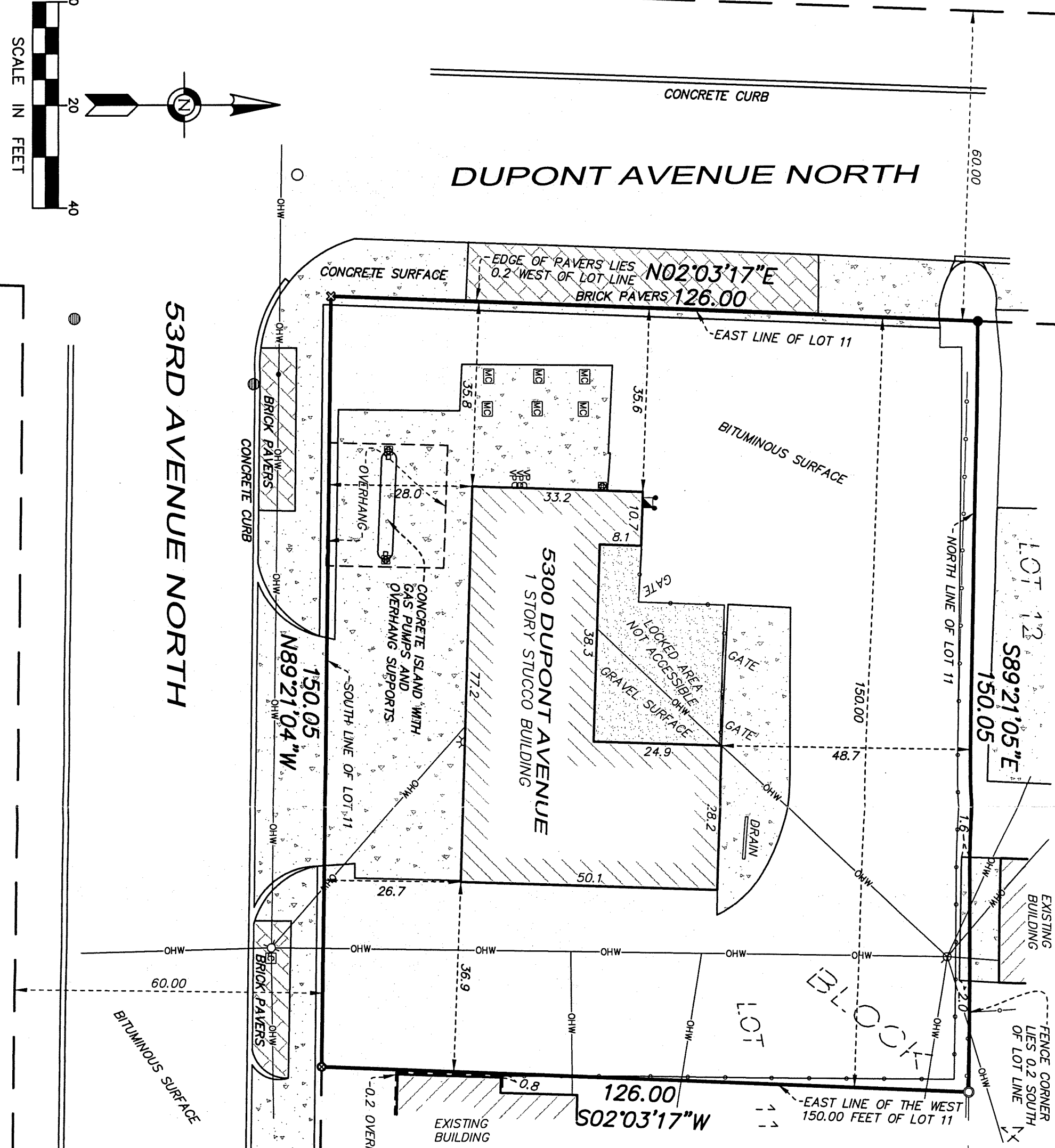
- FOUND MONUMENT
- SET IRON MONUMENT
- SET PK NAIL
- ⊗ CROSS IN CONCRETE
- COMMUNICATION BOX
- MANHOLE
- CATCH BASIN
- UTILITY POLE
- UTILITY POLE WITH LIGHT
- SIGN
- ROOF DRAIN
- METAL COVER
- VENT PIPE
- BUILDING LIGHT
- GAS METER
- GUARD POST
- OHW — OVERHEAD WIRE
- 0 — FENCE
- BITUMINOUS SURFACE
- CONCRETE SURFACE
- GRAVEL SURFACE

SURVEY FOR:
CARLSON, CLELLAND & SCHREDER



EGAN, FIELD, & NOWAK, INC.
"SURVEYORS SINCE 1872"
7415 WAYZATA BLVD, MINNEAPOLIS, MINNESOTA 55426
PHONE: (952) 546-6837 FAX: (952) 546-6839
WEB: EFNSURVEY.COM
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FIELD BOOK	PAGE	FIELDWORK CHIEF:
2690	40	KK
DRAWING NAME:		DRAWN BY:
32755-BDRY		PJD
JOB NO. 32755		CHECKED BY:
FILE NO. 5527		BRP



DUPONT AVENUE NORTH

53RD AVENUE NORTH

60.00

150.05

NORTH LINE OF LOT 11

150.00

48.7

LOT 11

EAST LINE OF THE WEST 150.00 FEET OF LOT 11

N02°03'17"E
BRICK PAVERS 126.00

EAST LINE OF LOT 11

BITUMINOUS SURFACE

NEW GATE

LOCKED AREA
NOT ACCESSIBLE
GRAVEL SURFACE

GATE

GATE

DRAIN

5300 DUPONT AVENUE
1 STORY STUCCO BUILDING
Christy's Auto Service

EDGE OF PAVERS LIES
0.2 WEST OF LOT LINE

CONCRETE SURFACE

OVERHANG

CONCRETE ISLAND WITH
GAS PUMPS AND
OVERHANG SUPPORTS

SOUTH LINE OF LOT 11

N09°21'04"W
150.05

BRICK PAVERS

CONCRETE CURB

126.00
S02°03'17"W

EXISTING BUILDING

0.2 OVERHANG

SURFACE

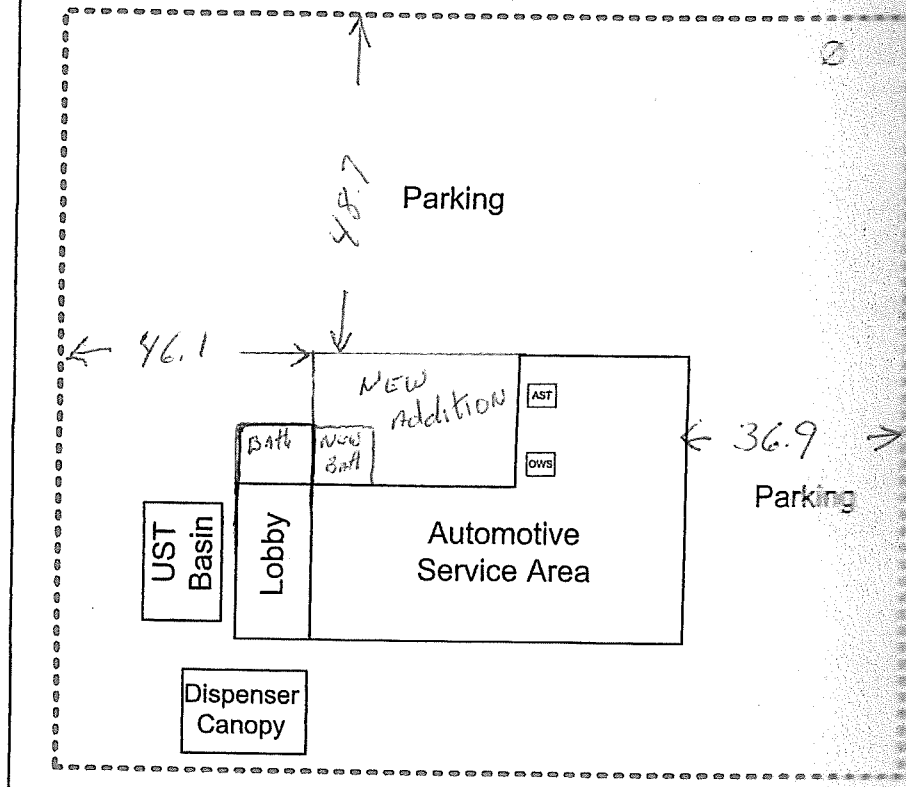


Residences

Residences

Dupont Avenue North

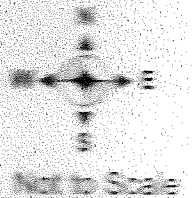
Apartment Building



53rd Avenue North

Residences

- Site Boundary
- ⊙ Pole Transformer
- AST Aboveground Storage Tank
- OWS Oil/Water Separator



Site Diagram
Christy's Auto Service
5300 Dupont Avenue North
Brooklyn Center, Minnesota 55430

WELLS014/E06-2593

Environmental
Architecture
Engineering
Nova
Consulting Group, Inc.

September
2008

Figure 2

**CITY OF
BROOKLYN CENTER
NOTICE OF PUBLIC
HEARING**

TO WHOM IT MAY CONCERN:

Please take notice that the Planning Commission of the City of Brooklyn Center will hold a public hearing on Thursday, July 11th, 2019, at approximately 7:00 p.m., at the Brooklyn Center City Hall, located at 6301 Shingle Creek Parkway, Brooklyn Center, Minnesota. A definite time for this application to be considered cannot be given as it will depend on the progression of the agenda items.

TYPE OF REQUEST: Rezoning of Christy's Auto property at 5300 Dupont Avenue and Site and Building Plan Approval for an addition to the building.

PETITIONER:

James and Lori Dean

PROPERTY OWNERS:

Boulevard Holdings, LLC

PROPERTIES NAMED IN THE PETITION BY LEGAL DESCRIPTION: Bellvue Acres (Christy's Service)

PROPERTY IDS:

0111821340085

BRIEF STATEMENT OF CONTENTS OF PETITION: The property is currently an existing legal nonconforming use, which does not allow expansions to the structure. The Petitioner wishes to construct a rear addition to the building to enclose materials currently being stored outdoors. In order to accommodate the request, the property must be rezoned from its current designation as a Two Family Residential property to C1 Service/Office.

Questions, comments, statements of support or objections should be directed to Interim Associate Planner Joe Hartmann at (763) 569-3315 or email to jhartmann@ci.brooklyn-center.mn.us.

Auxiliary aids for persons with disabilities are available upon request at least 96 hours in advance. Please contact the City Clerk at (763) 569-3300 to make arrangements.

Respectfully,

Joe Hartmann

Associate Planner / Housing & Code Enforcement Inspector

Published in the

Sun Post

June 27, 2019

950882

MEMORANDUM

DATE: July 1, 2019

TO: Ginny McIntosh, City Planner/Zoning Administrator

FROM: Andrew Hogg, Assistant City Engineer

SUBJECT: Site Plan Review – Christy’s Auto Site

Public Works Department staff reviewed the following documents submitted for review on June 4, 2019, for a Site Plan Review of Christy’s Auto Site at 5300 Dupont Ave N:

- Application dated June 4, 2019

Subject to final staff Site Plan approval, the referenced plans must be revised in accordance with the following comments/revisions and approved prior to issuance of Land Alteration permit:

C1.01 – Site Plan

1. Use storm water erosion control BMP’s as necessary to prevent sediment from reaching the storm sewers.

The aforementioned comments are provided based on the information submitted by the applicant at the time of this review. Other guarantees and site development conditions may be further prescribed throughout the project as warranted and determined by the City.