



LAND USE APPLICATION SUMMARY

Property Location: 1701 44th Avenue North
Project Name: Rezoning
Prepared By: Aaron Hanauer, City Planner, (612) 673-2494
Applicant: Kevin Aldwaik
Project Contact: Mark Thieroff
Request: Rezone property from C1 to C2
Required Applications:

Rezoning	Petition to rezone the property located at 1701 44th Avenue North from the C1/Neighborhood Commercial District to the C2/Neighborhood Corridor Commercial District.
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SITE DATA

Existing Zoning	C1/Neighborhood Commercial District
Lot Area	5,173 square feet / 0.12 acres
Ward(s)	4
Neighborhood(s)	Webber-Camden
Designated Future Land Use	Urban Neighborhood
Land Use Features	Community Corridor (44 th Avenue North)
Small Area Plan(s)	<u>N/A</u>

Date Application Deemed Complete	December 22, 2015	Date Extension Letter Sent	January 4, 2016
End of 60-Day Decision Period	February 20, 2016	End of 120-Day Decision Period	April 20, 2016

BACKGROUND

SITE DESCRIPTION AND PRESENT USE. The project site is at the southwest corner of 44th Avenue North and James Avenue North. It contains a one-story, 2,200 square foot commercial building and surface parking lot with four surface parking spaces. City records show that there has been a commercial storefront building at this location since 1911.

The building is currently vacant. According to city records, WCM Wireless, which sold cell phones, was the last establishment in the building; they were in business in 2014. Prior to that, city licensing records show that Webber Camden Market, a convenience store, operated at this location from 2010 until 2014.

SURROUNDING PROPERTIES AND NEIGHBORHOOD. The subject property is located along the 44th Avenue North Community Corridor. The Minneapolis Comprehensive Plan states that a community corridor typically has primarily residential uses with intermittent commercial uses clustered at intersections in nodes; the commercial uses are generally small-scale retail sales and services, serving the immediate neighborhood. The 44th Avenue Community Corridor is in line with the comprehensive plan description of this land use feature. The corridor is predominately low-density residential with small scale commercial establishments at street intersections.

The parcels along 44th Avenue North within the area are primarily zoned R4. However, there are four parcels along 44th Avenue that are zoned CI between Fremont Avenue North and Newton Avenue North. The 44th Avenue North and Penn Avenue North Neighborhood Commercial Node is located four blocks to the west of the project site; most of the parcels in this commercial node are zoned CI/ Neighborhood Commercial District.

This community corridor is and has been well served by mass transit. From 1926 until 1954, a streetcar provided service along 44th Avenue North as part of the Emerson-Fremont Avenue line. It is now served by the #5 bus route, a high-frequency transit route.

PROJECT DESCRIPTION. The applicant intends to open a convenience/grocery store within the existing building; no additions or alterations are proposed. A convenience/grocery store is allowed in the CI zoning district. However, the applicant is pursuing a zoning from CI to C2 in order to gain a tobacco license. Since July 25, 2008, the City of Minneapolis has not allowed a parcel in the CI zoning district to receive a tobacco license (Section 281.85). The applicant intends to sell packaged cigarettes, packaged loose tobacco and papers, and chewing tobacco. The applicant states that they will not sell drug paraphernalia such as hookahs, pipes, or scales.

RELATED APPROVALS.

Planning Case #	Application	Description	Action
BZZ-547 (2002)	Site plan review	To allow for a convenience store	Withdrawn
Preliminary Development Review-1000611 (2008)	PDR	Site plan review	Approved

PUBLIC COMMENTS. No public comments have been received as of the publication of the staff report. Any correspondence received prior to the public meeting will be forwarded on to the City Planning Commission for consideration.

ANALYSIS

REZONING

The Department of Community Planning and Economic Development has analyzed the application for a petition to rezone the property at 1701 44th Avenue North from C1 to C2 based on the following findings:

- I. Whether the amendment is consistent with the applicable policies of the comprehensive plan.

The proposed rezoning from the C1/Neighborhood Commercial District to the C2/Neighborhood Corridor Commercial District would not be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The property is designated as a community corridor on the future land use map. The intent for community corridors is to have primarily residential uses with intermittent small-scale retail sales and service uses serving the immediate area. This can be achieved through the existing C1 zoning district which allows a wide variety of residential and commercial uses. If the property is rezoned to C2, it opens up the possibility of a minor automobile repair facility being located at this location which has been found to have adverse off-site impacts for neighboring residential uses and the pedestrian oriented character of a community corridor. In addition, there are additional, more intensive uses allowed as permitted and conditional in the C2 district that are not allowed in the C1 district (see attachment: zoning comparison: C1 and C2).

The proposed zoning would not be consistent with the applicable policies of *The Minneapolis Plan for Sustainable Growth*. The following principles and policies outlined in the plan apply to this proposal:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- I.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

Land Use Policy 1.9: Through attention to the mix and intensity of land uses and transit service, the City will support development along Community Corridors that enhances residential livability and pedestrian access.

- I.9.1 Support the continued presence of existing small-scale retail sales and commercial services along Community Corridors.
- I.9.2 Support new small-scale retail sales and services, commercial services, and mixed uses where Community Corridors intersect with Neighborhood Commercial Nodes.
- I.9.3 Discourage uses that diminish the transit and pedestrian oriented character of Community Corridors, such as automobile services and drive-through facilities.

2. Whether the amendment is in the public interest and is not solely for the interest of a single property owner.

The rezoning would not be in the public interest and is solely for the interest of the property owner. The site contains a building that was constructed and has been continuously used as a commercial storefront building. The existing zoning, C1, would allow for this parcel to continue having a variety of small-scale commercial uses that are encouraged along a community corridor. The list of possible uses that are allowed with the C1 zoning including general retail sales and services, bookstore, child care center, grocery store, and restaurants. As mentioned in Finding 1, the proposed rezoning to C2 would open up the possibility of a minor automobile repair facility to be located at this location which has been found to have greater adverse off-site impacts for neighboring residential uses and the pedestrian oriented character of a community corridor. In addition, there are additional, more intensive uses allowed as permitted and conditional in the C2 district that are not allowed in the C1 district (see attachment: zoning comparison: C1 and C2).

3. *Whether the existing uses of property and the zoning classification of property within the general area of the property in question are compatible with the proposed zoning classification, where the amendment is to change the zoning classification of particular property.*

The existing uses of property within the general area are not compatible with the proposed zoning classification. The subject property is surrounded primarily by low-density residential uses. In addition to the residential uses, there are a few nonresidential uses (existing and proposed) interspersed along the 44th Avenue Community Corridor between Humboldt Avenue North and Logan Avenue North including a barber shop (1500 44th Avenue North), an office for the Southeast Asian Community Council (1827 44th Avenue North) and the proposed Pillsbury United Communities grocery store at 4414 Humboldt Avenue North (the former location of Kowalski's grocery store). In addition, the uses within the 44th Avenue North and Penn Avenue North Neighborhood Commercial Node, four blocks to the west of the subject property, are primarily small-scale commercial uses including a restaurant at 2203 44th Avenue North (Victory 44) and a tailor at 2144 44th Avenue North (Mighty Stitch by Vivienne). As previously mentioned, the proposed C2 zoning district opens up the potential of automobile related uses and other more intensive uses that may have an adverse impact on community corridors and neighboring residential uses.

The zoning classification of property within the general area is also not compatible with the proposed zoning classification from C1 to C2. The project site is entirely surrounded by residential zoning (R4) and there is no C2 zoning within a 450-foot radius of the project site. There is only one parcel that is zoned C2 along the entire 44th Avenue Community Corridor (4414 Humboldt Avenue North). As previously mentioned, this C2 zoned parcel is the site of a former large-scale grocery store (Kowalski's) and proposed Pillsbury United Communities grocery store and wellness center.

4. *Whether there are reasonable uses of the property in question permitted under the existing zoning classification, where the amendment is to change the zoning classification of particular property.*

There are reasonable uses of the property in question permitted under the existing zoning classification. The existing zoning is C1/Neighborhood Commercial District. The C1 district allows small scale retail sales and commercial services, residential uses and various public uses (see attachment: zoning comparison: C1 and C2).

5. *Whether there has been a change in the character or trend of development in the general area of the property in question, which has taken place since such property was placed in its present zoning classification, where the amendment is to change the zoning classification of particular property.*

Historically, the site has had commercial use rights and/or commercial zoning. The project site has had a commercial storefront since 1911. The 1924 Minneapolis Use-District Map noted that the subject property along with the other property along 44th Avenue allowed for commercial uses. When the zoning code was revised in 1963, the property was zoned B3S-1/Community Service District. This zoning district was designed primarily to furnish areas served with a wide variety of necessary services and goods. When the Minneapolis zoning code went through a major overhaul in 1999, the subject property was zoned C1/Neighborhood Commercial District. The purpose of the C1 zoning district is to provide a convenient shopping environment of small scale retail sales and commercial services that are compatible with adjacent residential uses.

There has not been a change in the character or trend of development in the general area since the property was placed in the C1/Neighborhood Commercial District in 1999. The area (including all of the surrounding property) has remained low-density residential with predominantly small-scale commercial uses interspersed along the community corridor.

FOR REZONINGS ONLY

ZONING PLATE NUMBER. 3

LEGAL DESCRIPTION. The North 61 feet of Lots 1 and 2, Block 3, "Harvey's Addition To Minneapolis".

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission adopt staff findings for the application(s) by Kevin Aldwaik for the property located at 1701 44th Avenue North:

A. Rezoning the property located at 1701 44th Avenue North from the C1/Neighborhood Commercial District to the C2/Neighborhood Corridor Commercial District.

Recommended motion: **Deny** the application for a rezoning from the C1/Neighborhood Commercial District to the C2/Neighborhood Corridor Commercial District.

ATTACHMENTS

1. Zoning maps
2. Statement of proposed use and statement to findings
3. Zoning Comparison and Principal Uses in Commercial Districts
4. Survey, site plan, and elevations
5. Aerials
6. Images