

Department of Community Planning and Economic Development – Planning Division
Rezoning, Conditional Use Permit
BZZ – 2036

Date: December 13, 2004

Applicant: Kelly Phillips

Address of Property: 201 6th St. SE

Project Name: N/A

Contact Person and Phone: Dan Noyes, (612) 810-2117

Planning Staff and Phone: Jason Wittenberg, (612) 673-2297

Date Application Deemed Complete: October 13, 2004

End of 60-Day Decision Period: December 12, 2004.

End of 120-Day Decision Period: On October 27, 2004, the applicant sent an e-mail message extending the decision period to no later than February 28, 2005.

Ward: 5 **Neighborhood Organization:** Marcy Holmes Neighborhood Association

Existing Zoning: I1

Proposed Zoning: Add the Industrial Living Overlay District

Zoning Plate Number: 15

Legal Description: All that part of Lot 4 and Lot 5 beginning at the most Westerly corner of said Lot 5, thence Southeasterly along the Southwesterly line of Said Lot 4 and Lot 5, a distance of 121.80 feet; thence Northeasterly 165 feet to a point on the Northeasterly line of said Lot 4, and distance of 121.80 feet Southeast from the most Northerly corner of Lot 5 and there terminating; all in Block 21, Mill Companys Addition to the Town of St. Anthony Falls, Hennepin County, Minnesota.

Proposed Use: Four dwelling units and artist studios

Concurrent Review:

Rezoning: Add the Industrial Living Overlay District to the existing I1 District

Conditional use permit: Required for establishing dwelling units in the Industrial Living Overlay District

Applicable zoning code provisions:

Chapter 551, Article IV. Industrial Living Overlay District. 551.370. Conditional uses.

Background: The applicant proposes to incorporate four dwelling units and several artist studio spaces into an existing building (known as the Star Machine & Tool Building). The application was continued from the meeting of November 8, 2004. Note that any addition of a fifth dwelling unit (or more) within three years would trigger the need for a site plan review application (in addition to the need for another conditional use permit).

The City Planning Commission approved a minor subdivision of the site on May 17, 2004, along a “party wall.” The rezoning is only to rezone the western parcel that was subdivided from the rest of the site.

REZONING –

Required Findings for the Zoning Amendment (Rezoning):

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

The Minneapolis Plan indicates that the City should increase the number of households living in Minneapolis, and that “(t)he number of households from all walks of life who choose to make Minneapolis their home must continue to grow if the city’s neighborhoods are to remain economically, socially and physically vital.”

The site in question is located between a Community Corridor and a residential neighborhood. Planning staff has identified the following goals and policies of the Minneapolis Plan as being relevant to the request to rezone the property to add the Industrial Living Overlay District and finds that the request is consistent with the relevant policies of the comprehensive plan:

Relevant Policy: 9.23 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.

Relevant Implementation Steps: Facilitate the redevelopment of underutilized commercial areas and promote their reuse as infill development, such as office or housing, while maintaining neighborhood compatibility.

Staff comment: The rezoning would allow reuse of a commercial/industrial building with uses that may be more compatible with nearby residential property.

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Relevant Policy: **9.26** Minneapolis will prioritize growth in light industrial land uses to increase the tax base and create jobs for city residents.

Relevant Implementation Step:

- Identify appropriate areas for the retention and expansion of existing industry and the development of new industry in specific industrial and business park opportunity areas.
- Promote light industrial uses as the preferred use of industrial land, but discourage warehouse or distribution uses in areas where truck traffic will negatively impact residential neighborhoods.

Staff comment: The rezoning would allow other uses other than light industrial uses, which would not “promote” the property for light industrial use. The zoning would preserve the right to develop the site with a light industrial use, however.

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

There is a public interest in ensuring that the property owner has the ability to reuse the existing building with a range of uses that would be more compatible with the adjacent residential neighborhood than the existing zoning.

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 underlying zoning classification would not change. The Industrial Living Overlay District allows uses that are generally less intense in nature than the underlying zoning classification. Further, there are existing residential in the vicinity that would be consistent and compatible with the proposal to facilitate the ability to place dwelling units on the site.

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 under the existing zoning classification, including light industrial and office uses.

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.

The nearby Activity Center focused around the University and Central area has recently developed with a good deal of new residential, service and entertainment oriented uses. Adding the ability to include residential dwellings with the building in question would be consistent with recent changes in the area.

CONDITIONAL USE PERMIT -

Required Findings for the Conditional Use Permit:

1. Will not be detrimental to or endanger the public health, safety, comfort or general welfare.

Renovation of the existing building to include dwelling units would not prove detrimental to public health, safety, comfort or general welfare provided the development complies with all applicable building codes and life safety ordinances. The applicant must obtain an encroachment permit if stairways will encroach into the public right of way as shown. The applicant has been advised to contact the Fire Department about the fact that artist studios will be located in the same building as residential dwellings. The Inspections Department will also inform the applicant of any building code restrictions related to the coexistence of these uses during the plan review process.

2. 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.

Existing and future development of uses allowed in the area should not be negatively affected by the proposed use. The applicant's plan includes shared access with the use to the north.

In addition to any conditions of approval adopted by the City Planning Commission, dwelling units in the Industrial Living Overlay District are subject to the following conditions noted in section 551.370:

551.370. Conditional uses. In addition to the conditional uses allowed in the primary zoning district, the following conditional uses may be allowed in the IL Overlay District, subject to the provisions of Chapter 525, Administration and Enforcement.

- (1) Dwelling units and supportive housing, subject to the following conditions:
 - a. Supportive housing shall be subject to the requirements of Chapter 536, Specific Development Standards.
 - b. Alterations made to the exterior of an existing building shall maintain the architectural integrity and character of the building and surrounding area.
 - c. The maximum height of single and two-family dwellings and cluster developments shall be two and one-half stories (2.5) or thirty-five (35) feet, whichever is less.

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- d. No vibration, excessive dust, noise, light, glare, smoke, odor, truck traffic or other substance or condition, shall be generated by uses in the building that will have an adverse impact on the residential use of the building.

Items b and d, above, are most applicable to this particular project.

3. Will have adequate utilities, access roads, drainage and/or other necessary facilities.

The site is served by existing infrastructure. The final plan must indicate all drainage patterns, including roof drains. The applicant must contact the Public Works Department to ensure compliance with applicable drainage and stormwater regulations. The applicant must ensure continued access to the off-street parking area and ensure that appropriate permission is granted from the neighboring property owner to access the property to the north. If access from the neighboring property is discontinued, a new curb cut will likely be necessary. The new driveway access must be at least 12 feet in width as required by section 541.240(c) of the zoning code. If agreeable to the neighboring property owner, the applicant should make use of the neighboring property for a greater distance in order to avoid creating excess impervious surface.

4. Will take measures to minimize traffic congestion in the public streets.

The project would comply with the minimum number of off-street parking spaces. Individual artist studios would allow artists to bring their vehicle directly into the studio space. Sharing a curb cut with the adjacent property owner preserves the existing supply of on-street parking.

5. Is consistent with the applicable policies of the comprehensive plan.

See the rezoning findings above for analysis of the project's consistency with the comprehensive plan. In addition, the Master Plan for the Marcy-Holmes Neighborhood was adopted on December 29, 2003. The proposal is generally consistent with the plan's goal of "protecting residential areas from commercial and industrial uses" and the document's land use plan shows the area in question as multi-family residential use. The site is specifically mentioned in Chapter 2 of the document, as follows: "The neighborhood would also support conversion of some industrial buildings to residential use. An example is the Star Machinery building on 6th Street and 2nd Ave. SE."

6. And, does in all other respects conform to the applicable regulations of the district in which it is located, with the approval of this c.u.p.

If all proposed land use/zoning applications are approved, the proposal will comply with all provisions of the I1 District and the Industrial Living Overlay District.

RECOMMENDATIONS

Recommendation of the Community Planning and Economic Development Department – Planning Division for the Zoning Amendment (Rezoning):

The Community Planning and Economic Development Department – Planning Division recommends that the City Planning Commission adopt the above findings and **approve** the application for a zoning amendment (rezoning) to add the IL (Industrial Living) Overlay District to the existing I1 District at 201 6th St. SE.

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 above findings and **approve** the application for a conditional use permit to allow four (4) dwelling units in the IL (Industrial Living) Overlay District at 201 6th St. SE, subject to the following condition:

- 1) Planning Department review of the final site plan.

Attachments:

1. Statements submitted by the applicant
2. Letters from the applicant to the council office and neighborhood group
3. Letter from the property owner
4. Zoning map
5. Survey
6. Site plan
7. Floor plans
8. Elevations
9. Building sections
10. Photos