

Department of Community Planning and Economic Development – Planning Division
Rezoning
BZZ – 5073

Date: February 22, 2011

Applicant: Charles J. Hanson and Louis A. Bohl

Address of Property: 2653 Hennepin Avenue South

Project Name: 2653 Hennepin Avenue South

Contact Person and Phone: Charles J. Hanson, (612) 245-3824

Planning Staff and Phone: Janelle Widmeier, (612) 673-3156

Date Application Deemed Complete: January 19, 2011

End of 60-Day Decision Period: March 20, 2011

End of 120-Day Decision Period: On February 7, 2011, staff sent the applicant a letter extending the decision period no later than May 19, 2011.

Ward: 10 **Neighborhood Organization:** LHENA (adjacent to East Isles)

Existing Zoning: C1 Neighborhood Corridor Commercial District

Proposed Zoning: C2 Neighborhood Commercial District

Zoning Plate Number: 24

Legal Description of Property to be Rezoned: South 40 feet of Block 005, Kings Addition to Minneapolis, Hennepin County, Minnesota.

Proposed Use: Tobacco shop

Concurrent Review: Petition to rezone the property of 2653 Hennepin Avenue from C1 to C2.

Applicable zoning code provisions: Chapter 525, Article VI Zoning Amendments.

Background: The property owner is petitioning to rezone the property of 2653 Hennepin Avenue to allow a tobacco shop. The C1 district is the only commercial zoning district that does not allow tobacco shops. A tobacco shop is a permitted use in the C2 district. A one-story building with two tenant spaces occupies the entire property. The tobacco shop would go into the existing tenant space currently occupied by a tailor. The other tenant space is occupied by a computer sales and services business.

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A tobacco shop is subject to the following development standards found in Chapter 536 of the zoning code:

- (1) Back-lighted signs, back-lighted awnings, portable signs, temporary signs and freestanding signs shall be prohibited.
- (2) The window and door area of any existing first floor facade that faces a public street or sidewalk shall not be reduced, nor shall changes be made to such windows or doors that block views into the building at eye level.
- (3) For new construction, at least thirty (30) percent of the first floor facade that faces a public street or sidewalk shall be windows or doors of clear or lightly tinted glass that allow views into and out of the building at eye level.
- (4) The use of bars, chains or similar security devices that are visible from a public street or sidewalk shall be prohibited.
- (5) 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.

As of the writing of this report, staff has not received any correspondence from the neighborhood group. Staff will forward comments, if any are received, at the City Planning Commission meeting.

REZONING: Petition to rezone the property of 2653 Hennepin Avenue from C1 to C2.

Findings as required by the Minneapolis Zoning Code:

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

The proposed zoning would be consistent with the applicable policies of the comprehensive plan, *The Minneapolis Plan for Sustainable Growth*. Hennepin Avenue is designated as a commercial corridor. The future land use of 2653 Hennepin Avenue is designated as mixed use. According to the principles and polices outlined in the plan, the following apply to this proposal:

Policy 1.4: Develop and maintain strong and successful commercial and mixed use areas with a wide range of character and functions to serve the needs of current and future users.

Applicable Implementation Step

- 1.4.1 Support a variety of commercial districts and corridors of varying size, intensity of development, mix of uses, and market served.

Policy 1.5: Promote growth and encourage overall city vitality by directing new commercial and mixed use development to designated corridors and districts.

Applicable Implementation Step

- 1.5.1 Support an appropriate mix of uses within a district or corridor with attention to surrounding uses, community needs and preferences, and availability of public facilities.

Policy 1.10: Support development along Commercial Corridors that enhances the street's character, fosters pedestrian movement, expands the range of goods and services available, and improves the ability to accommodate automobile traffic.

Applicable Implementation Step

- 1.10.1 Support a mix of uses – such as retail sales, office, institutional, high-density residential and clean low impact light industrial – where compatible with the existing and desired character.

The site is also located within the boundaries of the *Uptown Small Area Plan*. The plan was adopted by the City Council in 2008. According to the plan, mixed use development with urban-oriented intensity is preferred for the block where the site is located. The plan states:

Hennepin Avenue between Franklin Avenue and 28th Street should continue to develop as a commercial corridor. It will be characterized by medium density housing containing street-level retail, and residences and small offices above. The retail and commercial uses should be mostly neighborhood and community oriented. Triangular blocks and parcels will yield relatively small footprint buildings, with relatively small stores and offices... Local serving auto-oriented uses such as auto-repair shops should be supported; however, property owners are encouraged to design their properties to be pedestrian friendly.

Staff comment: The C2 district allows a mix of uses, both commercial and residential. The small size of the subject site and triangular block upon which it is located would most likely support only small stores and offices if redevelopment were to occur. The subject site is approximately 2,800 square feet in area. The combined lot area of the entire block is approximately 10,000 square feet.

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

The rezoning would allow for a broader range of available goods and services on a commercial corridor, as called for in adopted policies. The amendment is in the public interest and not solely in the interest of the property owner.

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.

Hennepin Avenue is designated as a commercial corridor. Most of the properties along Hennepin Avenue in the immediate area are zoned C1 or C2 with a mix of uses ranging from multi-family residential to an automobile convenience facility. A tattoo parlor (zoned C2) and a multi-family residence (zoned C1) are located on the same block as the subject site. Residential properties are located to the east and south. The site is separated from nearby residential properties by other commercial property and streets. Some uses allowed in the C2 district that are not allowed in the C1 district include currency exchange, tobacco shop, automobile convenience facility, minor automobile repair, car wash, and reception hall. Some of these uses can have adverse effects on nearby residential uses; however, the size of the subject site would likely only support small retail uses and offices. Automobile oriented uses with a drive-through, fuel pumps, or car wash require a minimum lot area of 12,000 square feet. With a lot area of 2,800 square feet, these automobile oriented uses would not be allowed on this site. A reception hall has a higher minimum parking requirement and

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could not be established on this site unless off-site parking as allowed by the zoning code is provided or a variance of the parking requirement is obtained. For these reasons, the proposed zoning should be compatible with the surrounding uses and zoning classifications.

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.

The existing zoning is C1. The C1 district allows small scale retail sales and commercial services, residential uses, and various institutional and public uses. Both the comprehensive plan and the small area plan support a mix of uses adjacent to Hennepin Avenue, a commercial corridor, that are allowed in the C2 district. The rezoning would allow some additional goods and services, including a tobacco shop, to be provided on a commercial corridor.

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 property of 2653 Hennepin Avenue was zoned B3S-3 (similar to the C2 district in the current zoning ordinance) from 1963 to 1999. With the adoption of the 1999 zoning code, the zoning changed to C1. In the immediate area, the zoning and character of development along Hennepin Avenue has consistently been mixed use, including medium to high density residential, with medium to high density residential uses on neighboring streets. In 2005, the adjacent property of 2645 Hennepin Avenue was rezoned from C1 to C2. From 2009 to 2010, a rezoning study was conducted for the Midtown Greenway. Properties within the boundaries of the Uptown Small Area Plan were included in the study. The existing zoning classifications in the immediate area were found to not conflict with the policies of the plan and no zoning changes were made north of 28th Street along Hennepin Avenue.

RECOMMENDATION

Recommendation of the Department of Community Planning and Economic Development – Planning Division for the Rezoning:

The Department of Community Planning and Economic Development – Planning Division recommends that the City Planning Commission and City Council adopt the above findings and **approve** the petition to rezone the property of 2653 Hennepin Avenue from C1 to C2.

Attachments:

1. Zoning district comparison
2. Applicant’s statement of use
3. Zoning map
4. Plans
5. Photos